



MADISON
FISCAL COURT
ADMINISTRATIVE CODE

Ordinance 16-10
July 1, 2016

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July 1, 2016

On behalf of the Madison Fiscal Court, I want to thank you for being on our Madison County Government Team. You have chosen to work with us because you were found to have a background that indicates you have the qualifications which characterize a successful county employees. First rate employees are our most valuable resource. The County recognizes the commitment required of its employees.

These policies have been developed to provide you with information concerning the policies and philosophies of the County in personnel matters. Please read through the Personnel Administrative Code and discuss any questions you may have with your Supervisor.

The efforts of our past and present employees have made the County's record one of pride and accomplishment. We are happy to have you on our staff and look forward to your contributions to the County.

Reagan Taylor
Madison County Judge Executive

ORDINANCE 16-10

WHEREAS, the Madison County Judge Executive and the Fiscal Court recognize that a personnel system which recruits and retains a qualified motivated work force is indispensable to the effective and efficient operation of the County Government; and

WHEREAS, it is essential to have policies and procedures in writing delineating all aspects of employment affected by said policies and procedures:

NOW THEREFORE BE ORDAINED by the Madison County Judge Executive and the Madison County Fiscal Court of the Commonwealth of Kentucky:

1. That the policies and procedures attached hereto shall be the system of personnel administration for the County, and
2. That the policies and procedures may be waived, altered, or suspended only by a change of ordinance.

Adopted June 28, 2016 and effective July 1, 2016.

Reagan Taylor
Madison County Judge Executive

ATTESTED: _____

ADMINISTRATIVE PHILOSOPHY

We view the employees of Madison County as the foundation of our success and our goal is to exceed the needs and expectations of our County in an equitable manner.

We are committed to the following principles:

- Be available to employees to confidentially address any concerns and issues that may arise;
- Treat each person fairly, with dignity, trust and respect in all aspects of the employment relationship;
- Foster a diverse workforce that mirrors the community we serve;
- Attract and retain highly qualified people;
- Set high standards of job performance in order to deliver superior service and value to the public we serve;
- Expect employees to demonstrate integrity and professionalism;
- Recognize and reward employees for their contributions;
- Communicate human resources information in a transparent manner;
- Encourage teamwork and cooperation in the work relationships among all County employees;
- Provide training and management to prepare employees for success; and
- Being good stewards of the taxpayer's money.

CHAPTER 1 GENERAL PROVISIONS

1.1 AT-WILL STATEMENT

This handbook is designed to acquaint you with the Madison County Fiscal Court and its basic rules and methods of operation affecting your employment.

This handbook does not form a contract, express or implied, guaranteeing employment for any specific duration. Although we hope that your employment relationship with us will be long-term, you are an at-will employee, meaning that either you or the Madison County Fiscal Court may terminate this relationship at any time, with or without notice and with or without cause.

Except for the “at-will” status, the policies and procedures summarized in this handbook are subject to change as conditions warrant, with or without notice, at the sole discretion of the County Judge Executive and the Fiscal Court. This is also true of all actual policies, procedures, benefits and other programs of the County.

1.2 AUTHORITY

The County Judge Executive is hereby designated as the Personnel Administrator for those employees employed directly for the Fiscal Court. The Human Resources Department shall administer all personnel related matters, consulting with the Judge Executive when necessary.

The Judge Executive may identify a need for amendment or clarification of the policies, and all amendments or clarifications are to be in writing and approved by the Fiscal Court. The Administrative Code shall be adopted annually during the month of June and will require two readings by the Fiscal Court.

County offices, under the budgetary authority of the Madison County Fiscal Court and led by an elected official (Detention Center and Coroner), may adopt this Administrative Code or draft their own Code. If they choose to adopt their own Code, they shall provide a copy to the Human Resource Director since the Human Resources Department is still handling the administrative employment paperwork and payroll functions. Employees in these offices do not report to the Judge Executive, but rather to the elected official of their office.

1.3 AMENDMENTS TO PREVIOUS/OR EXISTING ORDINANCES

The Madison County Administrative Code is effective July 1, 2016. Any previous ordinances and amendments shall have no further applicability subsequent to the date of the enactment of this ordinance.

1.4 DEFINITIONS

As used in this Code, unless the context otherwise requires:

Administrative Code: The Administrative Code, may also be referred to as the Code, Personnel Handbook, Handbook, or Policies and Procedure Manual, outlines the overarching policies for employees to follow.

County: Madison County, Kentucky, a governmental entity.

Department Head: The head of one of the departments of County Government as established by the administrative code or the Judge Executive.

Employee: Employee references individuals employed by a department where the administrative authority is that of the Fiscal Court.

Emergency Services Personnel: Personnel responsible for mitigation activities in a medical emergency, fire emergency, hazardous material emergency, or natural disaster.

Essential Personnel: Employees designated by the Judge Executive to be critical to the continuation of key operations and services in the event of a Declaration of Emergency.

Fiscal Court or Court: The Madison County Fiscal Court, which is the duly constituted, controlling body that governs the affairs of Madison County, Kentucky.

Gross Salary: Gross Salary will include the number of hours worked during a regularly scheduled work week. Executive Team: The Executive Team consists of the Judge Executive, Deputy Judge Executive and all County Department Heads.

Immediate Family: Immediate Family shall mean the employee's spouse, child, mother, father, legal guardian or other permanent members of the employee's household.

Judge Executive: The duly elected constitutional officer who carries out the executive and administrative functions of Madison County Government.

Safety Sensitive: Safety sensitive position is a job or position where the employee holding this position has the responsibility for his/her own safety or other people's safety.

1.5 FISCAL COURT

The Madison County Fiscal Court is the chief governing body of Madison County Government and shall exercise all powers of government delegated to it by the Commonwealth of Kentucky. The Fiscal Court

consists of elected magistrates and the Judge Executive. All members of the Court are equal and may speak, vote, make motions, second motions, and otherwise exert the powers granted to a member of the Court by the Commonwealth of Kentucky.

1.6 ADOPTIONS AND AMENDMENTS

The Fiscal Court shall review the Madison County Administrative Code annually during the month of June and may, by a two-thirds (2/3) majority of the entire Fiscal Court, amend the Madison County Administrative Code at that time. The County Judge Executive may at other times prepare and submit amendments to the Madison County Administrative Code for approval by the majority of the Fiscal Court.

1.7 DEPARTMENT OPERATION MANUALS

Department heads shall develop and maintain department operation manuals to cover daily operations for their employees. All manuals and addendums must be submitted to the Judge Executive prior to enactment.

1.8 DRESS CODE

The Madison County Fiscal Court requires all employees to adhere to dress code standards that exude a professional standard as well as ensures safety and OSHA compliance. Madison County employees are expected to be neat, clean and well-groomed while performing professional duties. The standard applies to full and part time personnel, as well as interns and co-ops.

- **Administrative Personnel Attire:** All non-uniform personnel are expected to wear standard business attire that is consistent with standards for a professional environment at all times. Examples of standard business attire are dress shirts and slacks, khakis, polos, skirts and dresses. On occasion, it may be necessary for administrative personnel to wear jeans. This shall be approved by the department head. Casual Fridays: Employees are permitted to wear jeans on Fridays as long as there are no public or work related meetings taking place.
- **Uniformed Personnel Attire:** All uniformed personnel are expected to wear the uniforms set forth in the department personnel policies and procedures manual. Uniforms are expected to be clean and well maintained.

1.9 SMOKING ZONES

The Madison County Fiscal Court requires employees to comply with all local ordinances. The City of Richmond and the City of Berea have Smoke-Free Building Ordinances. In order to be consistent among all departments, Madison County employees shall not smoke in any County building, vehicle or equipment. In addition, employees may only smoke in designated smoking areas as identified by their department heads with approval by the Judge Executive. No employee shall smoke within 20 feet of any door leading to a County building.

1.10 POLITICAL ACTIVITIES

To protect non-elected employees from political pressure in their jobs, certain restrictions have been placed upon involvement in political activities.

Permitted Activities:

The following political activities are permitted:

- Registration and Voting: Employees may register and vote in any election.
- Expression of Opinions: All persons subject to the Administrative Code have a right to privately express their opinions on all political subjects and candidates.
- Contributions: Employees may make voluntary cash contributions to political parties, candidates, or organizations.
- Membership in Political Clubs: Employees may join a political club and hold office or serve on committees of the club.
- Attendance at political rallies, conventions, etc. is permitted
- Political Pictures and Signs: Employees may display political pictures or signs on their property.
- Badges, Buttons, and Stickers: It is lawful for employees to wear political badges or buttons and voluntarily display political stickers on their private automobiles. However, no political badges, buttons, or other designations may be worn while on official duty or while the employee is conducting official business for the County.
- Precinct election officers: Employees may serve as precinct election officers at the polls. When serving as a poll worker, employees must utilize a vacation day to cover the time away from work.
- Constitutional amendments, referenda, etc.: Employees may work actively for or against constitutional amendments, referenda or municipal ordinances in which they are interested, provided that County time and resources are not used for this purpose.

- **Transporting Voters:** Employees on their own time may transport friends or relatives to the polls as a civic gesture, but may not transport voters to the polls as a part of an organized service to a political party, faction, or candidate.

Non Permitted Activities:

The following political activities are not permitted:

- Political influence based upon an official position, whether actual or anticipated, or favorable or retaliatory treatment of an employee or position is a violation of law.
- Employees may not be pressured to make contributions of money or services to political parties or candidates.
- **Political Contributions:** An employee is prohibited from soliciting or handling partisan political contributions while on duty.
- **Partisan activity at election polls:** An employee may not engage in partisan activity at the polls (at primary or regular elections) in the position of checker, challenger, or watcher, or in soliciting votes and assisting voters to mark ballots.

1.11 CONFIDENTIALITY

“Confidential information” is defined as materials, activities, operations, personnel matters, and business affairs of the County which should not be disclosed to anyone outside of the normal course of business.

During the course of employment, employees may have access to confidential information. Information should be solely used for the purposes of performing various services for the County and for no other purpose. Employees shall not disclose any confidential information related to County matters to any person who does not have a legitimate need to know. Employees should take all reasonable steps to protect confidential information from disclosure, e.g., password protecting computers and/or storing/filing confidential paperwork in a locked drawer, etc. Employees should not electronically forward or store confidential information so as to give access to those without a legitimate need to know. It is not appropriate to have discussions about confidential information in open areas where individuals who do not have a need to know this information could overhear the conversation.

Employees who disclose confidential information to those without a legitimate need to know or who disclose confidential information observed or heard without proper authorization may be subject to corrective action, up to and including termination.

If an employee overhears or observes another employee sharing or discussing confidential information in an inappropriate area, the Human Resources Director should be contacted.

1.12 PROTECTION OF PERSONAL HEALTH INFORMATION (PHI)

County records containing personal employee information are to be held in confidence and safeguarded from unauthorized access. Only those individuals with a specific need to use personal information in the performance of their normal administrative duties are authorized to have access to and use such information.

Covered Plans

The federal law known as the Health Insurance Portability and Accountability Act (HIPAA) requires employers to ensure that personal health information is properly protected. The law protects personal health information used with a number of County sponsored benefit plans including:

- Health
- Dental
- Vision

Excluded Plans

- Extended Sick Time Program
- Retirement
- Life Insurance

Notice of Privacy Practices

The County's notice and notices issued by our insurance companies may be obtained by contacting Human Resources or the insurance company. You may also receive notices from your health care providers, health care insurance companies, claims administrators and others explaining their own policies.

The Notice explains procedures for you to request copies of your health information maintained in your County benefits file. You may also request health information maintained by the insurance companies or claims administrators as well as amend your records in some cases.

If you still have questions after reading the notices about the privacy policies followed by the County plans, contact your insurance company or Human Resources.

Release of Your Information

HIPAA regulations specify that your personal health information may be used by your insurance company and physician, hospital, other providers and insurance companies for diagnostic and treatment purposes as well as for the payment for such services. Personal health information may also be used for health care operations such as determining eligibility, processing enrollment information, establishing premium amounts and submitting premium payments to the insurance companies. Such uses do not require your specific written authorization.

Should you like a staff member to release your benefit plan enrollment or claim information on your behalf to be shared with a family member or other individual, you should submit a completed Release of Information Authorization form to Human Resources.

1.13 COMMUNICATING WITH THE PUBLIC

Media Communication

Communicating with the media is a critical mechanism for communicating with our constituents. The only employees authorized to speak to members of the media are those that have gone through County sponsored Media Training and are authorized by the County Judge Executive. After speaking to the media, authorized employees should notify the Deputy Judge Executive.

Social Media Communication

The County utilizes social media to communicate with constituents with relevant, timely and actionable information, while promoting core services and key events. The Department of Information Technology maintains countywide social media sites on Facebook, Twitter, YouTube and Instagram. All Social Media Sites are handled centrally through countywide accounts managed by approved the Judge Executive and the Department of Information Technology. Departments are encouraged to contribute content to existing county social media sites with existing fan bases in lieu of or in addition to their own presence. Departments wishing to develop a social media site shall have approval by the Judge Executive.

Posting

Department staff may manage day-to-day operations of a social media site, but in close consultation with the Judge Executives Office and the Department of Information Technology. Only County employees will serve as publishers; publishers will attend mandatory training sessions. Volunteers, interns, contractors and board/authority/Fiscal Court Members are not eligible to administer official accounts.

Employee Personal Participation with Social Media

If you identify yourself as a County employee or have a public facing position for which your position as a County employee is known to the general public, ensure your profile and related content (even if it is of

a personal and not an official nature) is consistent with how you wish to present yourself as a County employee. Social media users should have no expectation of privacy.

1.14 USE OF COUNTY PROPERTY

No employee shall use any County property for non-County business. County property includes any item that has been purchased, inventoried, donated or acquired due to business related activities by or to the Madison County Fiscal Court. This is included, but not limited to, cell phones, laptops, tablets, vehicles, office supplies, furniture, tools, equipment, scrap metal, gasoline, oil, etc. The only means by which an employee may take possession of county property is through purchase at a County surplus auction.

CHAPTER 2 EMPLOYMENT

2.1 EQUAL EMPLOYMENT OPPORTUNITY (EEO)

It is the policy of the County to provide Equal Employment Opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran in accordance with applicable federal, state and local laws. This policy applies to all terms and conditions of employment; including but not limited to hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

Madison County Fiscal Court expressly prohibits any form of unlawful employee harassment based on race, color, religion, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, amnesty or veteran status.

2.2 AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA) are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that when needed, provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential duties of the position.

It is the policy of Madison County Fiscal Court to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is our policy not to discriminate against qualified individuals with disabilities in regard to the application process, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

The County will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and/or if the accommodation creates an undue hardship to the County. Contact the Human Resources Department with any questions or requests for accommodation.

2.3 ANTI-HARASSMENT POLICY AND COMPLAINT PROCEDURE

The County is committed to providing a work environment that values diversity and respects the uniqueness of the individuals. Upholding this commitment, the County prohibits harassment of any form in the workplace and will take prompt corrective action, up to and including termination, against any employee, supervisor, patient, vendor, agent or any other individual who engages in unlawful behaviors.

Prohibited unlawful harassment because of race, color, national origin, marital status, religion, sex, age, sexual orientation, or physical or mental disability or any other protected basis includes but is not limited to:

1. Verbal conduct, such as epithets, derogatory jokes or comments, or slurs;
2. Visual conduct such a derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
3. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work, because of the employee's sex or status in one of the protected categories;
4. Threatening, intimidation or otherwise interfering with other employees whether on or off duty;
5. Retaliation for reporting or threatening to report harassment;
6. Prohibited and illegal *sexual harassment* includes unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature.

A hostile or offensive work environment can be caused by sexually suggestive or lewd remarks, insults, humor and jokes about sex, hugs, touches, or kisses, request for sexual favors, sexually suggestive or pornographic posters, cartoons, or drawings and obscene or sexually suggestive body gestures. These and any other behaviors, in which co-workers or patients are made to feel uncomfortable, will not be tolerated.

If an employee believes he/she has been unlawfully harassed or sees someone engaging in conduct which might violate another employee's rights, he/she should report the incident immediately and the following procedure should be utilized so that the complaint can be resolved quickly and fairly.

- When possible, the employee should confront the harasser and request him or her to stop the harassing behavior immediately.
- The employee should meet with their supervisor, department head or the Human Resources Director and provide details of the incident, including names or individual(s) involved, date(s) of the incident, type of harassment and the name(s) of any witnesses. All complaints will remain as confidential as possible.

- Supervisors or department heads must refer all harassment complaints to the Human Resources Director. Upon notice of any complaint, the County will immediately undertake a thorough, objective and confidential fact finding investigation of the harassment allegation.
- If the County determines that unlawful harassment has occurred, it will take effective remedial action in accordance with the circumstances and inform the employee of the action(s) taken. Any employee who the County determines to have engaged in unlawful harassment will be subject to corrective action, up to and including immediate termination.
- The County prohibits any form of retaliation against the employee for filing a good faith complaint under this policy or for assisting in a related fact-finding investigation.

Given the nature of this type of discrimination, the County also recognizes that false accusations of sexual harassment can have serious effects on innocent women and men; therefore, frivolous, unfounded accusations will be investigated and appropriate disciplinary action will be taken, up to and including termination.

2.4 VIOLENCE IN THE WORKPLACE

Madison County Fiscal Court is committed to preventing workplace violence and to maintaining a safe work environment. The County has adopted the following guidelines to deal with intimidation, harassment or other threats of or actual violence that may occur onsite or offsite during work-related activities.

All employees, customers, vendors and business associates should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, “horseplay” or other conduct that may be dangerous to others. Conduct that threatens, intimidates or coerces another employee, customer, vendor or business associate will not be tolerated. The County resources may not be used to threaten, stalk or harass anyone at or outside the workplace. The County treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor, department head, or Human Resources Director. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees should promptly inform the Human Resources Director of any protective or restraining order that they have obtained that lists the workplace as a protected area.

The County will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. The County will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. To maintain workplace safety and the integrity of its investigation, the County may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The County encourages employees to bring their disputes to the attention of their supervisors or the Human Resources Director before the situation escalates. The County will not discipline employees for raising such concerns.

2.5 EMPLOYMENT ELIGIBILITY VERIFICATION

As required by the Immigration Reform and Control Act of 1986, the County must verify documents pertaining to the employee's right-to-work status in this country as applicable to all employees hired on or after November 6, 1986.

No employee is to begin work without completing the Employment Eligibility Verification, Form I-9. In the event an employee does not present proper documentation within three (3) business days following the date of hire, then the employee will be terminated and will be eligible for rehire after providing the proper documentation.

Where a receipt of application of documentation has been provided within the required three (3) business days, then the employee will be allowed ninety (90) business days to provide the company the actual documentation. The employee may work during the ninety (90) day period. In the event that the employee does not present the actual documentation within (90) days of the date of hire, the employee will be terminated.

2.6 WHISTLEBLOWER PROTECTION

A whistleblower as defined by this policy is an Madison County Government employee who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this Code. The whistleblower is not responsible for investigating the activity or for determining

fault or corrective measures; appropriate management officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting. If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor or the Human Resources Director. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas -- confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The County will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Human Resources Director immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to the Human Resources Director, who is responsible for investigating and coordinating corrective action.

2.7 HIRING

JOB OFFERS - All job offers and salary amounts must be voted on and approved by the Madison County Fiscal Court.

SUPERVISOR/EMPLOYEE RELATIONSHIPS-Work relationships must be professional and pose no conflict of interest. Relatives, or those with whom the employee has a close personal relationship, can be employed, provided they are not in a direct supervisor-employee relationship. If a relationship in conflict with this policy develops after employment, efforts will be made to transfer one of the employees to remove the conflict.

REHIRES -Full-time employees who separate employment in good standing may be eligible for rehire with reinstated benefits provided the former employee returns to work within 60 calendar

days from the date of separation. All rehires start with a zero (0) balance of paid leave.

JOB ANNOUNCEMENTS- When a vacancy occurs within County government, current employees may apply for the vacancies by written notices submitted to the Human Resources Director. Upon request, information provided shall include position, salary or hourly rate of pay, summary of duties, qualifications for the position and time limit for applying. Present employees wishing to apply must complete the employment application form. The County Judge Executive and Fiscal Court may fill the vacancy by either a transfer of the current employee or by employing an external candidate. All job announcements will be posted on the Madison County website.

2.8 DIRECT DEPOSIT

The Madison County Fiscal Court utilizes direct deposit to deliver payroll. It is a convenient, reliable, cost and time saving alternative to issuing paper checks. It eliminates the need to pick-up and cash a check on pay day and instead provides access to funds immediately upon deposit.

Employee pay will be electronically deposited directly into a checking or savings accounts designated by each employee. Accounts must be established with banks or credit unions that support direct deposit.

An employee may set up multiple accounts at the same or different banking institutions for receipt of direct deposits. Participation in direct deposit will be a condition of employment.

2.9 BACKGROUND INVESTIGATIONS

All offers of employment with the Madison County Fiscal Court are contingent on the applicant receiving a favorable background investigation, substance abuse screening and reference checks subject to state and federal laws. Persons employed by the County who change job duties may be subject to a background investigation.

Persons making application for employment will be informed of this policy and be required to sign the Applicant Statement on the employment application authorizing the County to verify information provided by the applicant on the application. Applicants who fail to complete the necessary paperwork or who refuse to sign the required background authorization or substance abuse testing consent forms will not be considered for employment. If an unacceptable background or criminal history is found and the applicant has been hired, the job offer will be withdrawn. If employment has already commenced, the employee will be terminated immediately. Falsification or material omissions of information on an employment application is a justifiable reason for not hiring an individual, or if already hired, grounds for termination.

Prior convictions will not necessarily disqualify an applicant from employment with the company. Serious consideration will be given to the position applied for, the seriousness of the offense and how recently the offense was committed. If the Request for Conviction Record shows a history of criminal activity, the following guidelines should be followed:

- If the criminal activity is deemed a felony offense, the employee will not be hired or will be discharged immediately.

2.10 OUTSIDE EMPLOYMENT

All employees are eligible to maintain outside employment and permission from the Madison County Fiscal Court is not required. All employees seeking outside employment shall report the outside employment to the Human Resources Director or designee by completing the Outside Employment Notification Form. The form requires the employee to provide the name, address and phone number of the outside employer, the location and nature of the work and the hours to be worked. This notice is required prior to beginning outside employment.

However, an employee may be required to discontinue certain outside employment, if, in the judgment of the County Judge Executive, it is felt the outside work would be harmful to the reputation and credibility of the Madison County Fiscal Court or if the outside work interferes with the employee's performance of duties within the County.

2.11 GIFTS AND GRATUITIES

No employee may accept personal gifts, gratuities or other items from customers, political candidates, vendors, a person or company doing business or seeking to do business with the offices of the Madison County Government. Employees who have a previously established relationship that included exchange of gifts are exempt from this rule during non-business hours. Non-cash office gifts given during business hours shall be placed in a location available for all employees to use. No gift shall exceed \$25 per person per office location per year. Employees who accept personal gifts or gratuities will be subject to disciplinary action up to and including termination.

2.12 SOLICITATION AND DISTRIBUTION OF MATERIALS

It is the County's policy to forbid distribution of advertising material, commercial or charitable solicitations, merchandise catalogs, handbills, or materials of a political or potentially adversarial nature on the premises. An exception is made for Fiscal Court approved charitable endeavors or

those authorized by the County Judge Executive. The County may also choose to recognize charitable drives as a community-backed effort.

In order to avoid unnecessary annoyances and interruptions during the workday, solicitation by any County employee is prohibited during work time. Bulletin boards in County facilities are reserved for County postings and announcements. Non-employees may not solicit or distribute any kind of written or printed materials on County premises at any time.

Employees are prohibited from engaging in the following actions in any County building, on any County property, during work time or while representing the County:

- Selling any product or service, soliciting contributions, or lobbying for political candidates or causes.
- Distributing any kind of written or printed materials (e.g. handbills, pamphlets, advertising materials, etc.) during work time or in work area.
- Pursuing outside business interests. Using bulletin boards, mail systems, photocopiers, telephone lists or the like for such purposes as stated above.

Employees found engaging in any of the actions listed above, or any like action, or to be assisting a vendor or another employee to engage in the same are subject to corrective action, up to and including termination.

2.13 DISCIPLINARY ACTION

Grounds for disciplinary action of County employees, ranging from warnings to immediate discharge, depending upon the seriousness of the offense, shall include, but not be limited to, the following:

- Dishonesty or falsification of records;
- Use of alcoholic beverages or drugs which affect job performance, including the consumption of alcoholic beverages or drugs during working hours as well as the abuse of alcoholic beverages or drugs during non-working hours which, as a result of said abuse, affect the job performance of the employee during actual working hours;
- Unauthorized use or abuse of County equipment or property;
- Theft or destruction of County equipment or property;
- Habitual tardiness, unauthorized or excessive absence or abuse of sick leave;
- Disregard or repeated violations of safety rules and regulations;
- Unsatisfactory performance of duties;
- Disobeying a supervisor;
- Performing outside work during working hours established by the County; or

- Displaying or distributing campaign material for a political campaign during normal working hours; the placement of any campaign or political material on a County vehicle; or participating in political activities while on the job site or during normal working hours.

The County Judge Executive may place an employee on leave, with or without pay, pending investigation of any alleged activity. Fiscal Court shall be notified no later than the next regular meeting in Executive Session.

Demotion

The County Judge Executive may, with Fiscal Court approval, demote an employee provided the employee possesses the minimum qualifications for the position to which he is demoted. Reasons for demotion include, but are not limited to:

- the inability to carry out duties in accordance with the standards prescribed for the position or these rules;
- Disciplinary reasons; or
- In lieu of layoff.

Written notice shall be given to the employee prior to, or at the time of, the demotion.

Suspension

The County Judge Executive may suspend, with Fiscal Court approval, any County employee, with or without pay, for not more than thirty (30) calendar days for disciplinary reasons. Fiscal Court approval may come after the suspension.

Should an employee be suspended without pay prior to the suspension being presented to Fiscal Court, and should Fiscal Court not approve the suspension, the employee shall be compensated for lost wages during the suspension period.

Any suspended employee shall receive written notice of suspension. The notice shall state:

- Reasons for the suspension; and
- Duration of the suspension.

Separation

An employee may be separated by:

- Dismissal;
- Resignation;
- Retirement; or
- Lay off.

Dismissal

The County Judge Executive, with Fiscal Court approval, may dismiss an employee. Fiscal Court approval is not required for employees whose hire was not approved by Fiscal Court. Written notice shall be given to the employee prior to, or at the time of, dismissal.

Resignation

An employee shall, in order to resign in good standing, give the County Judge Executive written notice at least two weeks before the date the resignation is to take effect. The County Judge Executive may agree to a shorter notice because of extenuating circumstances.

A resignation made without two weeks written notice may be regarded as cause for denying the resigning employee future employment with the County. An employee's resignation and the circumstances pertinent to it shall be recorded in his personnel file.

The employment date of an employee who resigns and is reinstated or is dismissed and is re-employed shall be the date of re-employment.

Layoff

The County Judge Executive shall submit in writing to the Fiscal Court whenever the County Judge Executive thinks a layoff of County workers is needed. If the court does not act in any manner within thirty (30) days, the County Judge Executive may proceed with the layoff procedures as prescribed herein:

- The order of layoff shall be established by the Fiscal Court on the basis of the needs of the County.
- Consideration shall be given to both the seniority and merit of the persons considered for layoff.
- If time permits, the County Judge Executive shall notify the employee(s) two weeks prior to the effective date of the layoff.
- A copy of the notice shall be retained in the employee's personnel file.

An employee who has given satisfactory service, and is laid off, shall be eligible for re-employment in other positions for which the employee qualifies.

Reinstatement

The County Judge Executive, with Fiscal Court's approval, may re-employ any former employee who has resigned from County employment with a good record and who was:

- laid off because of lack of work or funds; or

- demoted or dismissed for a reason prohibited by local, state or federal employment regulations.

Corrective Action Procedures

Madison County Fiscal Court encourages a management style that includes continual feedback regarding supervisor expectations and corrective actions. The following outlines the protocol for progressive discipline:

- **Level 1: Verbal Reminder**
A verbal reminder will be given to an employee for a first time performance or behavioral issue by the department head or Human Resources Director.
- **Level 2: Written Reminder**
If it is determined that an employee is incapable or unwilling to perform an assigned task, or that the employee's behavior is an issue, the department head or Human Resources Director may make written notice of such.
- **Level 3: Suspension Without Pay**
Continued failure of an employee to meet departmental requirements and expectations will require the department head or Human Resources Director to recommend suspension without pay to the County Judge Executive. The number of days suspended will be determined based on the severity and/or repetitiveness of the issue at hand.
- **Level 4: Termination**
Continued failure of an employee to meet departmental requirements and expectations following a suspension will require the Human Resources Director to recommend termination of further employment to the County Judge Executive.

The County Judge Executive reserves the right to skip any level of corrective action and initiate suspension or termination if the employee infraction is deemed serious misconduct.

CHAPTER 3 WORKPLACE PROCEDURES

3.1 SAFETY AND ACCIDENT PREVENTION

The health and safety of all County employees is of major importance. All employees shall report all hazardous conditions in their work area at once to their immediate supervisor. The supervisor shall document in writing the hazardous condition. All injuries should be reported immediately to the supervisor and within 24 hours to the Human Resources Director.

3.2 VEHICLE MANAGEMENT

Madison County Fiscal Court is committed to providing comprehensive fleet policies and procedures necessary for proper County asset management and to help prevent vehicle accidents. This policy applies to all Madison County Fiscal Court employees who operate a County owned vehicle and/or who operate a personal vehicle on County business.

Each department head will provide the means and support necessary to ensure compliance with all applicable regulations and responsibilities outlined herein. Department heads will monitor the implementation of the Fleet Management and Safety Program and ensure that all County vehicles are returned to their designated locations at the end of the work day.

The only County vehicles to be driven to an employee's home are those assigned to an employee who is on call for that evening. Driver selection is based on established criteria such as experience and a satisfactory driving record. Selection criteria will vary depending on the driver type:

- Occasional Drivers-drive only one or two times each week.
- Regular Drivers-usually drive on a daily basis and have an assigned vehicle.
- Commercial Driver's License (CDL) Drivers - drive vehicles weighing over 26,001 lbs. or transporting 16 or more passengers, including the driver.

All Department heads will report any deviation from Fleet Management and Safety Program guidelines, improper driving, or improper use of County vehicles to the Human Resources Director.

The basic principles of defensive driving will be provided for all employees during their initial orientation, and once per year afterward. Employees are expected to be familiar with and observe all defensive driving guidelines.

- All driving laws must be followed;
- An employee shall not drive or operate a vehicle unless assigned or granted permission.

- Vehicles are to be used only for conducting official County business.
- No personal use is allowed.
- Family members or other non-employees not participating in County business are not allowed to drive or ride in County vehicles unless authorized by the Judge Executive.
- County vehicles are only to be driven to an employee's home are those assigned to an employee who is on call for that evening;
- Drivers must have in their possession a valid operator license when operating County vehicles;
- Seat belt use is mandatory for vehicle operators and all occupants;
- Drivers must operate their vehicle in a safe manner at all times;
- Drivers must have and maintain a favorable driving record;
- No one shall ever operate a vehicle when there is a known safety defect. Any defects shall be reported immediately.
- All objects shall be secured inside the vehicle to avoid distractions.
- If a vehicle is involved in an accident, the driver's first duty is to stop the vehicle. The police must be called. Employees must not make or promise settlements of damage. The driver's department head shall be notified immediately and accident reporting procedures outlined in the Vehicle Accident Card shall be followed.

3.3 DRUG FREE WORKPLACE

Madison County Fiscal Court has a vital interest in maintaining safe healthy and efficient working conditions for its employees. Being under the influence of drugs or alcohol on the job may pose serious safety and health risks to the user and all those who work with the user. The possession, use or sale of an illegal drug or alcohol in the workplace may also pose unacceptable risks for safety, health and efficient operations.

The County further gives notice that:

- The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in any County work area is prohibited.
- As a condition of employment, employees must abide by the terms of the Drug and Alcohol Free Workplace – Substance Abuse Policy (Addendum 1).
- Any County employee who is convicted of any state or federal criminal drug statutes for drug-related misconduct in the workplace must report the conviction within 5 days thereafter to the Human Resources Director.

Violations of this prohibition will result in administrative sanctions, ranging in severity from formal counseling to termination of employment, immediately or within 30 days, whether or not the

violation results in conviction under state for federal criminal drug statues for misconduct in the workplace. Satisfactory participation in a County-approved drug abuse assistance or rehabilitation program may be required as a condition of continued employment by the Madison County Fiscal Court of all employees who violate this prohibition and are not terminated from employment. See **Addendum 1** for full policy.

3.4 EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) offers free, confidential services, provided through Work-Life Matters, designed to help County employees prevent or resolve personal, family and workplace problems affecting that employee's well-being and job performance. Use of EAP is voluntary. Typical problems include: job stress, communication problems with a co-worker or supervisor, depression, substance abuse, and marital/family problems. EAP provides problem assessment, education, short-term counseling, and/or referral to community resources. EAP offers support, educational assistance and intervention to supervisors and employees on individual or departmental matters and wellness promotion activities to improve the County's work climate.

To access these services contact Work-Life Matters at 1-800-386-7055, Monday-Friday, 9am-8pm (EST) or 24/7 in an emergency situation and speak to a counselor or nurse, or both. You can also log on to www.ibhworklife.com (**Company Name:** *matters*, **Password:** *wlm70101*) to find basic information on a number of valuable services.

CHAPTER 4 COMPENSATION AND WORK HOURS

4.1 EMPLOYEE CLASSIFICATIONS

Understanding the definitions of the employee classifications of the Madison County Fiscal Court is important because your classification is one of the factors that determine your employment status and benefit eligibility. These classifications do not guarantee employment for any specific period of time. Since you are an employee-at-will, either you or the County have the right to terminate the employment relationship at any time, with or without cause or advance notice.

REGULAR FULL-TIME employees are employees who are not in a temporary or seasonal status AND who are regularly scheduled to work a full-time schedule. Regular full-time employees are eligible for all benefit programs, subject to the terms, conditions and limitations of each program.

REGULAR PART-TIME employees are employees who are not in a temporary or seasonal status AND are scheduled to work at least 20 hours but less than 37.5 hours per week. Regular part-time employees are not typically eligible for medical insurance; however, under current conditions in the Federal Affordable Care Act (ACA), and based upon the County's calculated Full-Time Equivalents (FTE's), some FTE's could qualify for some form of affordable health care coverage in either 2015 or 2016, based upon their average number of hours worked per week or per month. An FTE is a person who has worked (on average) 30 hours per week during the previous calendar year. This includes all hours for which the employee was paid, whether or not the employee actually worked those hours (i.e. paid vacation, paid leave, etc. Contact the Human Resources Director if you feel you are entitled to this benefit. Employees who work more than 100 hours in a month are required to participate in the Kentucky Retirement Systems.

TEMPORARY or SEASONAL employees are employees who are hired on an interim basis to temporarily supplement the workforce, or to assist in the completion of a special project or assigned to work on an intermittent or unpredictable basis. Employment assignments in this category are of limited duration. Employment beyond the initially stated period does not in any way imply a change in employment status. While temporary and seasonal employees receive all legally mandated benefits (such as social security and workers' compensation insurance), they are generally ineligible for the County's benefit programs subject to terms, conditions and limitations of each program.

An **INTERN** or **CO-OP** is unpaid and not eligible for any benefits. Interns and Co-ops may apply for permanent positions. If a student is interning in exchange for school credit, it is the student's responsibility to ensure the proper paperwork is submitted for said credit.

4.2 HOURS OF WORK

Standard Work Day

- The standard work day is 7.5 hours with a one hour unpaid lunch period unless otherwise outlined in the department operational manual.
- County offices shall be open from Monday to Friday from the hours of 8:00 A.M. and 4:30 P.M. unless otherwise posted. Employees schedules; however, may be modified to include days and hours outside of the regular hours of operation.
- The standard full-time work week is 37.5 hours.
- Work and break hours may vary by location based on work demands, and will be determined by the department head in conjunction with the County Judge Executive.

Non-Standard Work Day

In the event an employee has a modified schedule that differs from the standard work day, that employee must have their work schedule outlined in their job description and/or be outlined in a Non-Standard Work Day Form.

Pay Period

Pay periods run from Wednesday through Tuesday, and pay days are every other Tuesday following the end of the pay period.

4.3 OVERTIME

NON-EXEMPT (HOURLY) employees are entitled to minimum wage and overtime pay under the specific provisions of the Fair Labor Standards Act (FLSA), and are typically paid on an *hourly* basis. Hourly, non-exempt employees are paid for work in excess of 40 hours in a week at the rate of 1.5 times their regular pay. All non-exempt employees shall clock in and out for work each day. Employee time will be rounded to the nearest quarter hour as advised by the Kentucky Labor Cabinet.

No non-exempt employee should be working outside of their scheduled work day unless authorized by the County Judge Executive, department head or supervisor. Any falsification of time is grounds for immediate disciplinary action, up to and including termination.

EXEMPT (SALARIED) employees are excluded from certain provisions of the Fair Labor Standards Act (FLSA) and Internal Revenue System (IRS), and are not entitled to overtime pay. Exempt employees are paid on a *salary* basis and include administrative, executive and professional employees, and certain highly skilled computer professionals.

4.4 BREAKS

REST BREAKS: Non-exempt employees receive and are expected to take one 10-minute rest break for every four hours worked per day. Employees should not clock in and out for rest break periods.

MEAL BREAKS: A one hour unpaid meal period is provided to all employees working four or more hours each day. Department heads may modify the lunch period with approval by the Judge as long as the change is in compliance with labor law. Non-exempt employees shall clock in and out for their meal break. The employee must be on the meal break for an hour. Non-exempt employees returning early from a meal break or who work through a meal break without the approval of their department head will be subject to disciplinary action.

4.5 INCLEMENT WEATHER AND EMERGENCY DECLARATION

The Madison County Government Offices must be open and available to the public during all scheduled office hours; however, at times it may be necessary to close the offices or reduce office hours due to a disaster such as ice, snow or other severe weather.

Employees are expected to report and remain at work as usual unless an announcement is made by Executive Order of the Madison County Judge Executive indicating all County offices are closed or on delay due to weather. Non-essential employees will be paid for missed time due to delays issued under Executive Order. Any essential or non-essential employees called into work on a day where the Judge Executive has declared an Emergency Declaration shall receive an additional hourly rate of pay for every hour worked.

Announcements are made on all local television stations, the Madison County access television station, the County website, and County Social Media sites regarding closing or alternate work schedules. In addition, the County Judge Executive will announce the alternative schedule through the office issued email account and the County website.

4.6 PERSONNEL RECORDS

Beginning the first day of employment, all new employees shall report to the Human Resources Director to supply any information needed to complete personnel records, execute payroll withholding authorization and enroll in the employee benefit program.

UPDATING INFORMATION

It shall be the obligation of the employee to maintain current information by notifying the Human

Resources Director of all changes in personal or family status, home address, telephone number, or any other changes which would affect payroll withholding or employee benefits.

AVAILABILITY OF RECORDS

You may comment in writing on any item in your personnel files. Such comments shall be made a part of your files and shall be attached to the specific record or document to which they pertain.

Records contained in personnel files are public records open to public inspection pursuant to Kentucky's Open Records Act (KRS 61.870 to 61.884). If requested, generally these records will be disclosed subject to the redaction of personal information pursuant to KRS 61.878. In order to inspect an agency record, you must comply with appropriate request procedures established by the agency and authorized under KRS 61.876. A response to your request for records is due within three (3) days from the receipt of your request.

As a courtesy, and in order to protect personal and private information from disclosure, the Court makes reasonable efforts to notify an employee when a third party requests to inspect and copy records in the employee's file. For more information on employee records and files, please refer to KRS 18A.020.

4.7 EXPENSE REIMBURSEMENT

Subject to budgetary limitations, any officer or employee of the County incurring expenses for approved travel on behalf of the County shall be reimbursed for allowable travel expenses as follows:

Mileage Reimbursement

The County will follow the rate paid by the Commonwealth of Kentucky if travel by personal vehicle is necessary. The current reimbursement rate can be found at <http://finance.ky.gov>.

Overnight Reimbursement

The following are permissible for an individual that is required to travel overnight for business purposes. The following are allowable reimbursements:

- Room Costs: Reimbursement for actual amount on receipt. Cost should be the most economically consistent with the County's best interest.
- Meal Costs: Not to exceed \$35.00 per day (upon presentation of itemized receipt(s)).
- Mileage: Individuals traveling outside of the County on business should utilize a fleet vehicle when possible. If one is not available, the County will utilize the mileage reimbursement rate.
- Air Fare: Lowest coach fare. County Judge Executive approval required.

- Other Expenses: Tolls, parking and similar expenses. Expenses shall be necessary and reasonable. No expenses shall be reimbursed which are not directly related to job related purposes or other County business purpose. Receipts or notarized statements are required.
- Higher reimbursement rates may be authorized due to travel site (i.e. high rate areas). Commonwealth of Kentucky regulations shall be utilized for guidance.

Authorization

All travel by County employees must be approved in advance by the employee's department head and the County Judge Executive. Meeting notices supporting travel shall be submitted with the travel request, when available.

Reimbursement

- The Request for Reimbursement Form must be completed (including required receipts) and submitted to the County Treasurer within (30) thirty days after returning from travel.
- The Request for Reimbursement Form must be signed by the employee requesting reimbursement, the department head, and the County Judge Executive.
- The use of a personal vehicle must be substantiated by written records, beginning and ending mileage, and other information to corroborate the claimed business usage of the vehicle.

4.8 ON-CALL/EMERGENCY CALL-BACK POLICY

On-Call

An on-call employee who is called back to work shall be paid for the time worked or a minimum of two hours, whichever is greater. Department heads should establish reasonable maximum response times (between 15 and 60 minutes) for their departments.

Time worked while on call will be calculated at the employee's regular rate of pay. If an employee is called back to work, he or she will be paid for travel time. If an on-call employee is not called back, no pay will be earned. Overtime compensation is applicable only when total hours worked exceed the regular full-time work cycle.

Employees who are on call must adhere to all County policies, including substance abuse and testing. Any variance from such policies may result in disciplinary action, up to and including termination.

Emergency Call-Back

An emergency call-back is defined as an unscheduled request made by a department head for an employee to return to work due to unforeseen or emergency work after leaving the building or work

location at the end of his or her regular shift and before the beginning of the next regularly scheduled shift.

Emergency call-backs that occur during paid holiday leave or emergency declaration will follow the compensation outlined in those sections of this manual.

4.9 PROMOTIONS AND PAY INCREASES

Madison County Fiscal Court follows an employee Job Classification Code. This Code is adopted separately from the Administrative Code and governs the pay ranges and promotion opportunities for Madison County employees.

Salary adjustments are contemplated in the annual budget process and voted on in the month of June by the Fiscal Court. Salary adjustments are made based on a variety of factors, including but not limited to: years of service, evaluations, recommendation of the Department Head, trainings completed, etc.

Only modification in salary adjustments made other than the annual review will be in the event of a change in title or by request of the Fiscal Court.

4.10 EVALUATIONS

Madison County employees will be evaluated on an annual basis in the month of April/May with a formal annual review. In addition, quarterly check-ins will take place between the employee and supervisor.

CHAPTER 5 EMPLOYEE LEAVE AND ATTENDANCE POLICIES

5.1 ATTENDANCE

Specific departmental work schedules shall be prescribed by department heads, with the approval of the County Judge Executive. Work schedules for seasonal, temporary and part-time employees shall be specified by the County Judge Executive according to the needs of the County and the rules and schedule stipulated for regular employees. Employees shall be at their places of work in accordance with prescribed schedules.

5.2 ABSENCES AND TARDINESS

Absences from work create an undue hardship on co-workers and the County. Work times, days and schedules are established to provide the necessary services to maintain quality services for the

constituents of the County. It is the responsibility of all employees to report to work on time and all scheduled days. Unacceptable attendance, reporting to work late, improper clocking in and out, leaving premises without authorization and not reporting an absence will result in corrective action up to and including termination. Employees unable to report to work on time or not at all are required to call management as soon as possible and no later than 30 minutes after the start of the employees' scheduled work day. A pattern of tardiness is grounds for disciplinary action up to and including termination.

Employees absent for three (3) consecutive days without notifying management will be considered as having voluntarily quit without notice. Excused absences in excess of those allowed by paid leave will be taken without pay. A pattern of absences is grounds for disciplinary action up to and including termination.

5.3 TIME CLOCK

All employees shall clock in and out (including for lunch) each work day. Individuals who clock in remotely shall do so only once work has commenced.

No employee should be working outside of their 7.5 hour scheduled work day unless authorized by the County Judge Executive or designee. In the event you have not clocked in but are working (ie: interacting with a customer on the way to the time clock), please see the department head. A correction will be indicated on the time card for processing by payroll.

The Human Resources Director will review time clock usage to ensure employees are not abusing the time clock system. Employees who abuse the system will receive disciplinary action, up to and including termination. If there is a dispute regarding the accuracy of the time clock, please punch in as scheduled and notify the Human Resources Department immediately.

5.4 LEAVE REQUEST PROCESS

All leave requests, regardless of the type of leave, shall be sent to his/her department head. The department head will review and if approved, enter the request into the payroll system for scheduling. No person shall approve his/her own time request.

5.5 VACATION LEAVE

All regular full-time employees are entitled to 8 hours of vacation time provided on a per month basis beginning the first day of the month after employment has started. Employees whose daily work schedule hours exceed the daily 7.5 hours are required to utilize additional hours to cover the

full 8 hours or 10 hours required to make up a full day.

Employees may accumulate an unlimited amount of vacation hours, but will only be compensated for up to a maximum of 240 accumulated hours upon resignation of employment when a proper notice is given (see section 2.13). Employees who are terminated due to progressive disciplinary procedures or gross misconduct, or resign without proper notice will forfeit any accumulated vacation hours.

Employees must submit a request for vacation leave to the department head at least one week in advance for all administrative and hourly employees, with the exception of all Emergency Services Personnel, who must give at least two week notice prior to approval of vacation leave.

In the event of an emergency, the department head, upon the approval of the County Judge Executive may revoke the approved vacation in order to better serve the needs of the County.

5.6 HOLIDAYS

All regular full-time employees, excluding the Fire Department, are eligible for paid holidays based on their regularly scheduled work hours per day. The holiday schedule is set by Executive Order of the Madison County Judge Executive. A yearly schedule will be provided to all employees with the calendar days the holiday falls on for the respective year.

Employees who call off the scheduled work a day before or after a holiday will be required to show a doctor's note or they will not receive holiday pay.

Non-Exempt-Employees required to work on a holiday will receive their standard rate of pay for the day plus straight time (or time and a half when applicable) for every hour the employee is working on that holiday.

Exempt-Employees required to work on a holiday will receive their standard rate of pay for the day plus straight time for every hour the employee is working on that holiday.

Fire Department-Fire Department employees will accrue 8 hours of holiday time (paid time off) for each listed holiday. The Fire Department will allow the accrued holiday time to be used at a later date as approved by the Fire Chief. Any request may be refused if it creates a burden on the efficient operation of the department. All holidays are credited at the beginning of the calendar year and ~~accrued~~ will be lost if not used prior to the end of the next Calendar Year in which the holiday was issued.

5.7 SICK LEAVE

Eligibility

All regular full-time employees are eligible to apply for sick leave. An employee may use sick leave for any one of the following reasons:

- To avoid jeopardizing the health of other employees and customers; or
- Illness, disability, medical condition, or a medical or dental appointment of the employee or a member of the employee's immediate family necessitating the employee's presence. "Immediate family" shall mean the employee's spouse, child, mother, father, legal guardian or other permanent members of the employee's family. In addition, other special relationships may exist where an individual not listed above may constitute the use of sick leave. In these instances, the employee needs to seek approval from the County Judge Executive or designee.

Sick Leave Accrual

All regular full time employees shall accrue 8 hours of sick time with pay for each calendar month of continuous service. Sick leave is credited on the first day of each month. There is no limit on the amount of sick leave an employee is allowed to accrue during employment, but there is no compensation for unused sick hours upon termination.

Sick Leave Requests

When possible, advance notice should be submitted to supervisor in writing. The employee must call the department head each day as soon as possible, no later than 30 minutes after the start of the work day, unless listed below, and request approval to use sick leave unless approval has been granted ahead of time.

- Emergency Services personnel must contact their department head at least 2 hours before their shift to request sick leave.

No department should have more than two individuals off in a department at one time, unless approved by the department head. If more than two individuals are scheduled off, the third or more individuals calling in sick shall provide a physician's excuse.

Physician Excuse

A physician's excuse or fit-to-work notice may be required for the following scenarios:

- Employees must provide a physician's excuse for their absence on the 3rd consecutive day missed due to sick leave;
- An employee reports to work and is unable to perform the duties as assigned.

The County may require a statement to verify the reason for absences or to determine the employee's

ability to return to work, regardless of the number of days absent or the reason for the absence.

Abuse

Sick leave is to be used when an employee is off work due to temporary medical conditions, or for illnesses of family members. It is not to be used as a substitute for vacation or personal leave. Using sick leave as it accrues or abuse of sick leave, regardless of whether sick leave has been excused, is grounds for disciplinary action up to and including termination.

Sick Leave Donation Program

Eligibility

- Both recipients and donors must be current employees of the County.
- An employee becomes eligible to receive donated sick leave at the point in time when all four of the criteria below are met:
 1. The employee or member of his/her immediate family suffers from a "medically certified" illness, injury, impairment, or physical or mental condition which has caused, or is likely to cause, the employee to go on leave for at least ten consecutive working days;
 2. The employee's need for absence is certified by a licensed practicing physician;
 3. The employee has exhausted all of his/her available paid leave; and
 4. The employee has complied with administrative regulations governing the use of sick leave.

Participation in the Sick Leave Sharing Program is at the discretion of the employee and requires approval of the County Judge Executive.

Guidelines on Sick Leave Sharing

An employee who has accrued a sick leave balance of more than 75 hours may request that the County make available for transfer a specified amount of his/her sick leave balance to another named County employee. The employee may not request a transfer of an amount of leave that would result in reducing his/her sick leave balance to less than 75 hours. A donor may only donate up to 24 hours of sick leave. To receive sick leave transfers, the employee must meet the following criteria:

- All accumulated sick leave must be exhausted;
- Complied with all policies to date with respect to attendance and the uses of sick leave;
- Obtain written permission from co-worker(s) to have a specified number of hours transferred to the requesting employee; and
- Submit a written request to the Human Resources Director for transferred sick leave.

5.8 FAMILY AND MEDICAL LEAVE ACT (FMLA)

FMLA provides entitlement for up to 12 weeks of job protected, unpaid leave, during any twelve

month period for the following reasons:

- The birth of a son/daughter or care for newborn child;
- The placement of a son/daughter for adoption or foster care;
- Care for the employee's spouse, son/daughter, or parent with a serious health condition;
- The employee's own serious health condition.

Employees are required to exhaust all vacation and sick leave concurrent to FMLA Leave.

Qualifying Exigency “Urgent Need” Leave. The FMLA requires that employers provide employees up to 12 weeks of leave in a 12-month period to tend to any “exigency” resulting from a service member’s call to duty. The new FMLA regulations clarify that exigency leave may be taken by eligible employees (consisting of not only a spouse, son, daughter, or parent, but also “next of kin” — the next nearest blood relative) while their spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves, or if the family member is a retired member of the Regular Armed Forces or the Reserves. An employee whose family member is on active duty or call to active duty for the Regular Armed Forces does not qualify for this leave. Qualifying exigencies include short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities.

Military Caregiver Leave. An eligible employee is entitled to 26 work weeks of leave in a 12-month period to care for a covered service member in the Armed Forces (including the National Guard and Reserves) who becomes ill or injured as a result of his or her military service. The 12-month period begins when the employee starts using her or his leave. This leave may only be taken once per injury, but may be taken again if there are additional injuries. More than one family member may qualify for the leave.

If the employee was qualified for health insurance benefits when leave begins, the County shall maintain health benefits for the employee in the same manner during periods of FMLA leave as if the employee continued to work, however, the employee must exhaust all accumulated sick leave and annual leave time prior to receiving unpaid FMLA leave.

Worker’s Compensation shall be designated as FMLA leave as long as the injury also qualifies as an FMLA qualifying event. If the injury qualifies as FMLA leave, then FMLA runs concurrently with the Worker’s Compensation Leave.

Upon employee being granted FMLA leave, the employee must continue to pay his/her own employee contribution to the health insurance plan ordinarily required of an employee. The County will continue to pay the contribution ordinarily paid by the employer under the current health

insurance plan. If the employee contribution payment is not paid by the employee, in such event, the County may terminate the health insurance benefits of the employee during FMLA leave. However, the employee may exercise their rights for COBRA benefits.

In order to qualify for FMLA benefits, the employee must have worked for the County for at least 12 months prior to the commencement of benefits and worked at least 1,250 hours in the prior year. The 12 month period need not be consecutive. Employment prior to a break in service of more than 7 years need not be counted unless the break in service was occasioned by the fulfillment of National Guard or Reserve Military Service Obligations.

Upon the County granting FMLA leave, the employee receives an entitlement of up to 12 weeks of job protected unpaid leave during any 12 month period. The fixed 12 month “leave year” shall commence January 1 of each year and conclude on December 31 of each year.

When the need for leave is foreseeable, the employee must give the employer at least 30 days written notice of his/her intent to receive FMLA leave benefits. If the leave is not foreseeable, the employee must provide written notice as soon as possible. The County reserves the right to require medical certification of a serious health condition for the employee’s health or a member of his/her family as defined herein. The County may also require periodic written medical reports during the leave of the employee’s health status, health status of his/her family as defined herein, as well as “fitness-for-duty” certification upon return to work from a health care provider.

“Serious health condition” means an illness, impairment, injury, or physical/mental condition that involves either:

- any period of incapacity or treatment connected with inpatient care in a hospital, Hospice, or residential medical care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or
- continuing treatment by a health care provider which includes any period of incapacity that prevents the employee or family member from working, attending school, or any other regular daily activity.

Any employee desiring to benefit from “donated sick leave” must be granted same and utilize same prior to applying for leave without pay under FMLA. Upon FMLA leave being granted to the employee, the employee may not participate in the donated sick leave plan until the employee has returned to work on a regular paid basis with a letter from a health care provider stating that the employee is fit for duty.

Upon the County granting leave without pay under FMLA, as provided for herein, the County Judge Executive shall authorize same in writing and provide the employee and the Human Resources

Director a copy of the written approval. All applications for leave without pay and all approvals of same, not in writing, shall disqualify the employee from health benefits otherwise provided herein.

5.9 BEREAVEMENT LEAVE

All regular full time employees are eligible for paid bereavement leave in the event of death of a member of the employee's immediate or extended family. Bereavement leave shall be granted on the following basis:

- An employee shall be eligible for up to three (3) regularly scheduled work days in the event of the death of an immediate family member. Immediate family for bereavement purposes is described as employee's parents, spouse, children, grandparents, grandchildren, brother, sister, spouse's parents, legal guardian or anyone permanently residing with the employee.
- An employee shall be eligible for up to eight (8) hours of regularly schedule work hours in the event of the death of an extended family member. Extended family for bereavement purposes is described as the employee's uncles, aunts, cousins, nieces, nephews, and spouse's immediate family, other than spouse's parents and pallbearers.
- An employee may request additional leave for special relationships that may exist where an individual not listed above may constitute the use of bereavement leave. In these instances, the employee needs to seek approval from the County Judge Executive.

Bereavement leave must be requested and approved in advance, unless mitigating circumstances exist. The request must include the name and relationship of the deceased and the location and time of the funeral or memorial service.

5.10 MILITARY LEAVE

Pursuant to KRS 61.394 and 61.396, all employees of this County, or of any department or agency thereof, who are members of the National Guard or of any reserve component of the Armed Forces of the United States, or of the reserve corps of the United States Public Health Service, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled, while in the performance of duty or training in the service of this state or of the United States under competent orders as specified in this section. In any one (1) federal fiscal year, officers or employees, while on military leave, shall be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued. The employee shall give the County a two (2) week notice prior to the scheduled leave if time permits.

5.11 CIVIL LEAVE

Jury Duty

Upon receipt of the order requiring the employee to report for jury duty, the employee must show the order to their department head. There will be no deduction from accumulated leave. Employees shall receive their regular pay for the day of service. Since the employee is being paid by the County while they are in jury duty, employees are required to return the any payment they receive for jury duty service to the County Treasurer. If dismissed from jury duty during the work day, employees will be required to return to work to complete their regular shift.

Court Appearances

Upon receipt of an order requiring the employee to make a court appearance, the employee shall make arrangements with the department head to comply with the order. If appearing in an official capacity in connection with Madison County, the employee's court time is considered working time and no charge is made against leave time.

If the employee is involved in a personal case, either as plaintiff, defendant or as a witness in a suit not resulting from his duties with the County, he or she may be granted leave, but the time off must be charged to accrued vacation time or be considered a leave of absence without pay if approved by the department head and County Judge Executive.

5.12 VOTING LEAVE

All employees are encouraged to exercise their voting privileges and all eligible employees are encouraged to avail themselves of the voting leave benefit. Pursuant to Kentucky law, employees shall be granted four (4) hours of unpaid leave to vote.

Employees must vote either the first or last half of their shift (i.e. 8am-12pm or 12:30pm-4:30pm), and it will be designated by the department head according to business needs. They request leave, and are approved by their department head, prior to the Election Day; and they vote.

Employees are cautioned that a qualified voter claiming voting leave, but failing to vote, may be subject to disciplinary action, up to and including termination.

5.13 BLOOD DONATION LEAVE

In the event Madison County Government hosts a sponsored blood drive, employees who donate may receive up to two (2) hours leave time with pay for the purpose of donating and recovering

from the donation. The donation must occur during an employee's scheduled work hours in order to qualify for leave, which does not include the lunch period. Blood donation made outside scheduled work hours is not eligible for blood donation leave.

Employees are required to obtain prior supervisory approval for blood leave. Leave time must be taken at the time of donation unless circumstances, as specified by the supervisor, require the donor to return to work. Employees deferred from donating shall not be charged for the time used in attempting to donate, but will not receive the two (2) hours leave time.

5.14 MATERNITY LEAVE

The County Judge Executive shall grant maternity leave for full-time permanent employees with temporary disability due to pregnancy, childbirth, adoption, or any impairment thereof, and miscarriage. Employees may take up to four (4) weeks paid leave. Additional leave without pay time may be granted.

An employee granted maternity leave shall utilize any accrued sick leave and vacation time with the remaining time off without pay for any additional leave that is granted.

The employee must notify the Human Resources Director or department head as far as possible in advance of the employee's intention to request maternity leave, including approximate dates, in order to allow the County Judge Executive and department head time to prepare for any staff adjustments. Family Medical Leave will apply to unpaid portion of maternity leave.

5.15 PATERNITY LEAVE

An employee may be granted unpaid paternity leave in connection with the birth or adoption of a child. Requests will be permitted for up to two (2) weeks to help care for the spouse and/or child. Medical Leave will apply to paternity leave (See Family Medical Leave Section)

5.16 PERSONAL LEAVE

Ensuring employees understand how important their dedication and commitment to the Madison County Fiscal Court is critical. Effective July 1, 2016, the Madison County Fiscal Court authorized the allocation of personal days to employees based on **Resolution ??**. Employees having served the Madison County Fiscal Court for more than 10 years shall be rewarded with additional Personal Time. This time will add additional hours based on the employee's years of service with Madison County Fiscal Court.

Personal Time shall be credited to the employee at the beginning of the fiscal year. The employee shall have one year to utilize this time. At the end of the fiscal year, any remaining balance will be cleared from the employee's account. This time cannot be cashed out for any reason.

11-15 Years of Service	16 hours Personal Time
16-20 Years of Service	24 hours Personal Time
20-25 Years of Service	32 hours Personal Time
25+ Years of Service	40 hours Personal Time

Employees moving from agency to agency (example: County Clerk to Madison County Road Department) are in different systems and will not be able to receive credit served for years of service with a different agency.

CHAPTER 6 BENEFITS

6.1 KENTUCKY COUNTY EMPLOYEES RETIREMENT PROGRAM

The County shall conduct the retirement program in accordance with the guidelines and directives of the County Employees Retirement System (CERS).

6.2 HEALTH INSURANCE

All full-time employees of the County shall be provided with a health insurance plan as provided by the Fiscal Court. The single “Core Plan” coverage will be paid by the County. If the employee desires to have family plan coverage or the buy up option, the employee will be required to pay the difference in cost.

Vision, Dental, and supplemental coverages will be available to all full-time employees at a group discount rate.

Coverage During Paid and Unpaid Leave

Paid Leave-Employer contributions to subsidize the cost of group health insurance coverage shall continue as long as the employee is on authorized paid leave for all eligible employees.

Unpaid Leave-Employer contributions to subsidize the cost of group health insurance coverage shall continue for a period of up to six months during any 12-month period for all eligible employees on authorized unpaid leave.

Terms and Conditions of the Plans

The full terms and conditions of medical plans offered are contained in the official plan documents and are available in the Human Resources Department.

6.3 LIFE INSURANCE

A \$25,000 life insurance policy is provided to all regular full-time employees by the Fiscal Court.

6.4 COBRA

Federal law requires employers to offer employees who terminate employment and are participants in an employer health and/or dental plan an opportunity to continue their coverage under the group plan of the employer. COBRA coverage must be paid for by the individual and it is subject to detailed terms and conditions established by Federal regulations. Information regarding COBRA may be obtained from the Human Resources Department.

6.5 MEDICARE

The Fiscal Court offers medical coverage to the active employee and their spouse age 65 or older on the same basis as offered to non-Medicare eligible employees. Information regarding Medicare benefits may be obtained from the Human Resources Department.

6.6 SOCIAL SECURITY

By law, all employees automatically participate in the Social Security program. Employee contributions are automatically withheld from employee earnings and matched by employer contributions.

6.7 WORKERS' COMPENSATION

By law, all employees are covered by Workers' Compensation. The cost is paid solely by the employer.

6.8 UNEMPLOYMENT COMPENSATION

By law, all employees are covered by Unemployment Insurance. The cost is paid solely by the employer.

6.9 EMPLOYEE DISCOUNT PROGRAM

Businesses throughout the County regularly enjoy showing their appreciation to our employees by offering employee discounts. Due to the frequency of requests to share this information with employees, Human Resources will work with the Information Technology (IT) Department to post current employee discounts on the County webpage. Neither the webpage nor this section of the Administrative Code constitutes a promotion, advertisement, or endorsement by the County of any of the private entities offering an employee discount. The County does not guarantee or negotiate discounts. Further, the County does not warrant any goods or services provided by any vendor. Employees should always research and compare prices, products and/or services before making any

purchase. The County assumes no responsibility for any purchases or contracts made between a vendor and an employee. It is the employee's responsibility to ensure that a conflict of interest would not prohibit the employee's lawful acceptance of a discount. Further, it is an employee's responsibility to ensure that he or she does not accept any discounts that would constitute the unlawful acceptance of a gift pursuant to KRS Chapter 11A.045.

CHAPTER 7 PURCHASES AND CONTRACTS

7.1 AUTHORIZATION OF COUNTY CONTRACTS

Every contract, change or amendment thereto, shall be authorized or approved by the Fiscal Court before being executed by the County Judge Executive, except for small purchases. The County Attorney shall review every contract of the County, as to form and legality, except for contracts for small purchases.

7.2 PROCEDURES FOR SEALED BIDDING

The agency, department or person requiring supplies, services or construction shall submit to the County Judge Executive a request containing specifications and quantities desired. The County Judge Executive shall determine the need for each item requested, the approximate cost and whether or not the expenditure is provided for in the budget.

Any expenditure or contract for materials, supplies (except perishable meat, fish, and vegetables), equipment, or for contractual services other than professional, involving an expenditure of more than twenty thousand dollars (\$20,000) shall be subject to competitive bidding.

The County Judge Executive shall place an advertisement in the newspaper of the largest circulation in the County at least once, not less than seven nor more than twenty-one days, before bid opening. The advertisement shall include the time and place where the specifications may be obtained. If the durability of the product, the quality of service or other factors are to be considered in bid selection, such factors shall be stated in the advertisement.

The County Judge Executive shall open all bids publicly at the time and place stated in the advertisements and shall select the lowest and/or best bid by qualified bidder to be recommended to the Fiscal Court for approval. If the lowest bid is not selected, the reasons for the selection shall be stated in writing.

The County may opt to allow bidders to submit their bids electronically if specified in the advertisement. The e-mail subject line shall acknowledge that the e-mail contains a sealed bid responsive to the particular advertisement.

Any bid submitted via e-mail that does not include in the subject line information sufficient for the recipient to know that the e-mail contains a sealed bid shall not be considered. The County Judge Executive shall submit the bids to Fiscal Court, noting the County Judge Executive's

recommended bid. Fiscal Court approval is required.

7.3 DETERMINATION OF QUALIFICATION OF BIDDERS

The County Judge Executive may require all bidders to provide sufficient information to determine their qualification to provide the services or product that is the subject of the competitive bid.

Contractors who have demonstrated, by past performance, the ability to perform satisfactory in accordance with the contracts on a timely basis and have shown a sound financial structure, may be determined to be qualified and responsible bidders without additional documentation otherwise required of other potential bidders.

7.4 PREREQUISITE TO USE OF NEGOTIATED PROCESS

The negotiated process may be used instead of advertisement for bids if the amount exceeds \$20,000 in the following circumstances:

- an emergency exists;
- bids exceed available funds; or
- the contract is for professional services.

Before an emergency is declared, the County Judge Executive shall determine whether or not the delay in obtaining bids will result in danger to health, safety or property. The County Judge Executive shall certify the existence of any emergency and file a copy of such certificate with the chief financial officer of the County (the Treasurer).

In the event all bids submitted are in excess of funds available, the County Judge shall prepare a written determination that there are no additional funds available as to permit an award to the responsible bidder with the lowest and best bid and that delay in advertising for additional bids is not in the best interest of the County.

The Fiscal Court must approve all circumstances in which the negotiation process is used.

7.5 PROCEDURES FOR NEGOTIATED PROCESS

When the prerequisites have been met for use of the negotiated process, the County Judge Executive shall proceed to negotiate with one or more suppliers in order to obtain the most advantageous terms for the County. The County Judge Executive shall prepare a record of all negotiated contracts, showing the items and quantities acquired, name of suppliers, costs and date of

contract.

Professional services shall be negotiated with such persons as are properly licensed to perform such services. Where more than one bid was received and all were in excess of the amount available, the lowest three bidders shall be notified that the County desires to negotiate a contract for a lesser amount based on revised quantities or specifications, and fix a time limit for submission of proposals.

The County Judge Executive shall examine the proposals received and shall negotiate with the suppliers for the terms most advantageous to the County. The best negotiated proposal shall be submitted to the Fiscal Court for approval and award.

7.6 SMALL PURCHASE PROCEDURES

All expenditures of less than \$20,000 shall be considered a “small purchase” and are not subject to competitive bidding. The County Judge Executive determines the need for any item requested, and whether or not the contract is for less than \$20,000 and the expenditure is provided for in the budget.

7.7 HOLD HARMLESS CLAUSE

All contracts executed on behalf of the County concerning the purchase of services or products may contain a “hold harmless clause,” whereby the vendor, provider of services, or seller agrees to hold the County harmless from any liability concerning the use of their product or the receipt of their service.

CHAPTER 8 INTERNET & E-MAIL POLICY

8.1 ACCEPTABLE USES OF THE INTERNET AND E-MAIL

The County-provided internet and e-mail access is intended for business purposes only. The County encourages the use of the internet and e-mail because it makes communication more efficient and effective. However, internet service and e-mail are County property, and their purpose is to facilitate County business. Every staff member has a responsibility to maintain and enhance the County's public image and to use County e-mail and access to the internet in a productive manner. To ensure that all employees are responsible, the following guidelines have been established for using e-mail and the internet. Any improper use of the internet or e-mail is not acceptable and will result in appropriate disciplinary action, up to and including dismissal.

8.2 UNACCEPTABLE USES OF THE INTERNET AND E-MAIL

The County internet and e-mail access may not be used for transmitting, retrieving or storage of any communications of a discriminatory or harassing nature or materials that are obscene or X-rated. Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. No abusive, profane or offensive language is allowed to be transmitted through the County's e-mail or internet system. Electronic media may not be used for any purpose which is illegal, deceptive or against County policy or contrary to the County's best interest. Solicitation of non-county e-mail or internet for personal gain is prohibited. Employees are prohibited from chat room interchange unless established by government agencies.

8.3 COMMUNICATIONS

Each employee is personally responsible for the content of all text, audio or images that they place or send over the county's e-mail/internet system. No e-mail or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else or someone from another entity. All messages communicated on the County's e-mail/internet system should contain the employee's name. Excessive personal communications are prohibited.

Any messages or information sent by an employee to another individual outside the County via an electronic network (e.g., bulletin board, online service or internet) are statements that reflect on the County. While some users include personal "disclaimers" in electronic messages, there is still a connection to the County and the statements may be tied to the County.

All communications sent by employees via the County's e-mail/internet system must comply with this and other County policies and may not disclose any confidential or proprietary information.

8.4 SOFTWARE

To prevent computer viruses from being transmitted through the County's e-mail/internet system, there will be no unauthorized downloading of any unauthorized software. All software downloaded must be registered to the County. Employees should contact the Director of Information Technology if they have any questions.

8.5 COPYRIGHT ISSUES

Copyrighted material belonging to entities other than Madison County may not be transmitted by employees on the County's e-mail/internet system. All employees obtaining access to other companies' or individuals' materials must respect all copyrights and shall not copy, retrieve, modify or forward copyrighted materials, except with permission, or as a single copy, to reference only. Failure to observe copyright or license agreements may result in disciplinary action up to and including termination.

8.6 SECURITY

The County routinely monitors usage patterns for its e-mail/internet communications. The reasons for this monitoring are many, including cost analysis/allocation and the management of the County's gateway to the internet. All messages created, sent or retrieved over the county's e-mail/internet are the property of the County and should be considered public information. The County reserves the right to access and monitor all messages and files on the County's e-mail/internet system. Employees should not assume electronic communications are totally private and should transmit highly confidential data in other ways. Passwords and sign-on access codes shall not be shared with anyone including co-workers, family members, or other unauthorized personnel. A County employee will be designated as system administrator for e-mail/internet purposes.

The County shall abide by KRS Chapter 61: Personal Information Security Procedures; and the Kentucky Department for Local Government guidelines on reasonable security and breach investigation procedures and practices for personal information whether in electronic or paper formats.

8.7 VIOLATIONS

Any employee who abuses the privilege of County-facilitated access to e-mail or the internet will be subject to corrective action up to and including termination. If necessary, the County reserves the right to advise appropriate officials of any suspected illegal violations.

RECORD OF ORDINANCE ADOPTION

THIS ORDINANCE, 16-10, IS EFFECTIVE UPON PASSING OF SECOND READING AND ADOPTION BY THE MADISON COUNTY FISCAL COURT.

DATE OF FIRST READING: JULY 28, 2016

MOTION BY: _____

SECONDED BY: _____

VOTE: YES NO

MAGISTRATE LARRY COMBS
MAGISTRATE ROGER BARGER
MAGISTRATE TOM BOTKIN
MAGISTRATE JOHN TUDOR
JUDGE REAGAN TAYLOR

DATE OF SECOND READING: _____

MOTION BY: _____

SECONDED BY: _____

VOTE: YES NO

MAGISTRATE LARRY COMBS
MAGISTRATE ROGER BARGER
MAGISTRATE TOM BOTKIN
MAGISTRATE JOHN TUDOR
JUDGE REAGAN TAYLOR

Reagan Taylor County Judge Executive

Attest:

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E-MAIL AND INTERNET USER AGREEMENT

I have received a copy of Madison County Fiscal Court's Administrative Code outlining policies for e-mail/internet acceptable use (Chapter 8). I recognize that the County's e-mail/internet is to be used for conducting the County's business only. I understand that use of this equipment for private purposes is strictly prohibited.

As part of Madison County and a user of Madison County's gateway to the internet and e-mail system, I understand that this e-mail/internet County guideline applies to me.

I understand that it is my obligation to read the aforementioned document and agree to follow all policies and procedures that are set forth therein. I further agree to abide by the standards set in the document for the duration of my employment with Madison County Fiscal Court. Should I have any questions related to the Madison County Administrative Code, it is my obligation to seek assistance from my supervisor, department head, or Human Resources Director.

I am aware that violations of this County guideline on acceptable e-mail/internet use may subject me to disciplinary action, up to and including dismissal from employment.

I further understand that my communications on the internet and e-mail reflect on Madison County Fiscal Court. Furthermore, I understand that this policy can be amended at any time or that I may receive further direction from my superiors related to proper e-mail/internet usage.

Employee Signature

Date

Employee Printed Name

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ADMINISTRATIVE CODE EMPLOYEE AGREEMENT

I have received a copy of Madison County Fiscal Court's Administrative Code, Ordinance #16-10, dated June 28, 2016.

I understand that it is my obligation to read the Madison County Administrative Code and agree to follow all policies and procedures that are set forth therein. I agree to abide by the standards outlined in the document for the duration of my employment with Madison County Fiscal Court. I understand that this Administrative Code, and my signature below, does not constitute an employment contract and that the County is an at-will employer. Should I have any questions related to the Madison County Administrative Code, it is my obligation to seek assistance from my supervisor, department head, or Human Resources Director.

Furthermore, I understand that this Ordinance may be amended at any time.

Employee Signature

Date

Employee Printed Name

DRUG AND ALCOHOL FREE WORKPLACE POLICY

I. Purpose and Goal

Madison County Fiscal Court is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. The County recognizes that alcohol abuse and drug use pose a significant threat to county goals. In the interest of assuring the safety of the general public by employing persons in safety sensitive positions that do not abuse illicit substances, illegal drugs, and alcohol, this Drug and Alcohol Free Workplace Policy establishes the balance of respect for individuals with the need to maintain an alcohol and drug-free environment.

Likewise, it is the County's additional purpose(s) and intent to accomplish the following with the establishment of this Policy:

- To comply with all requirements of 803 KAR 25:280 regarding the establishment and maintenance of a Drug Free Workplace for the purposes of obtaining Certification from the Department of Workers' Claims.
- As a recipient of Federal funds, to comply with the Drug Free Workplace Act of 1988 (PL100-690, Title V, Schedule D).
- To comply with the Federal Department of Transportation regulations regarding employees holding Commercial Drivers Licenses (CDL).
- To reduce the number of accidents and injuries to employees, other persons, and property.
- To reduce absenteeism and tardiness, and to increase the productivity of all employees of the county.
- To help ensure that the reputation of the County as a whole and of the employees throughout the community.
- In line with County's stated goals and objectives, to provide leadership in helping to end the abuse of alcohol, illicit substances, and illegal drugs throughout County and the Commonwealth of Kentucky as a whole.

It is with these stated goals in mind that the Madison County Fiscal Court issues this policy, declaring itself a Drug and Alcohol Free Workplace and hereby issues these accompanying rules regarding drug and alcohol use in the workplace for the Madison County Fiscal Court. The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or a controlled or illicit substance is prohibited in the workplace.

II. Definitions

1. **Accident:** an unexpected and undesirable event resulting in damage or harm. For the purposes of this policy, the resulting damage or harm may constitute an injury which requires off-site

medical attention be given to a person or damage to a vehicle or other property. Any such incident resulting in the need for a reasonable person to file a police report shall be considered cause for post-accident drug/alcohol testing of the involved employee.

2. **Alcohol**: any intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol. This includes over-the-counter and prescribed medications which contain more than one-half (1/2) of one percent (1%) of alcohol by volume.
3. **Alcohol concentration**: the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.
4. **Commercial motor vehicle**: a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle
 - has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
 - has a gross vehicle weight of 26,001 pounds or more; or
 - is designed to transport 16 or more passengers, including the driver; or
 - is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR 172(f)).
5. **Controlled substance**: has the meaning as assigned by 21 U.S.C. 802 and includes all substances listed on Schedule I through V as they may be revised from time to time (21 CFR 1308). See also *Drug*.
6. **Driver**: any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to any employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer.
7. **Drug**: a controlled substance as defined in KRS 218A.010(5) and as established in 902 KAR Chapter 55, including:
 - Amphetamines
 - Cannabinoids (THS)
 - Cocaine
 - Opiates
 - Phencyclidine (PCP)
 - Benzodiazepines
 - Propoxyphene
 - Methaqualone
 - Methadone
 - Barbiturates
 - Synthetic Narcotics
 - Illicit Substances as defined in KRS 351.010

- Volatile Substances as defined in KRS 217.900(1)
8. **Drug or Alcohol Rehabilitation Program:** a service provider that provides confidential, timely, and expert identification, assessment, treatment and resolution of employee drug or alcohol abuse.
 9. **Drug Test:** a chemical, biological, or physical instrumental analysis administered by a qualified laboratory, for the purpose of determining the presence or absence of a drug or its metabolites or alcohol pursuant to standards, procedures, and protocols established by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA).
 10. **Employee:** individuals employed by a department where the administrative authority is that of the Fiscal Court.
 11. **Illicit Substance:** those prescription drugs used illegally or in excess of therapeutic levels as well as illegal drugs.
 12. **Medical Review Officer (MRO):** a licensed physician with knowledge of substance abuse disorders, laboratory testing, and chain of custody collection procedures, and who has the ability to verify positive, confirmed test results. The MRO shall possess the necessary medical training to interpret and evaluate a positive test result in relation to the person's medical history or any other relevant biomedical information.
 13. **Qualified Laboratory:** a laboratory certified in accordance with the National Laboratory Certification Program (NLCP) by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA).
 14. **Random Selection Process:** means that alcohol and drug tests are unannounced. Tests conducted annually for employees who are CDL drivers shall equal or exceed twenty-five percent (25%) for alcohol tests and fifty percent (50%) for drug tests of the total number of drivers subject to testing.
 15. **Reasonable Suspicion:** a belief that an employee is using or has used drugs or alcohol in violation of this policy, drawn from specific, objective, and articulable facts and reasonable inferences drawn from those facts in light of experience, training, or education. Reasonable suspicion may be determined by two or more supervisory personnel who will attest to their observations. The Fiscal Court will make the final determination.
 16. **Refusal to Submit:** the failure to provide adequate breath for testing without a valid medical explanation after the employee has received notice of the requirement for breath testing; refusal to take the required test(s) or the failure to provide adequate urine for controlled substances testing without a valid medical explanation after the employee receives notice of the requirement of urine testing; and/or engaging in conduct that clearly obstructs the testing process.
 17. **Safety Sensitive Position(s):** those jobs that would involve exceptional care and due diligence in the area of Public Safety to the County's citizenry and to all employees of the Madison County Fiscal Court. This includes any employee who performs a duty(s) that requires a CDL

or any employee that holds a CDL or other classifications identified within the random selection section of this policy.

18. **Substance Abuse Professional:** a licensed or certified psychologist, social worker, employee assistance professional or addition counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.
19. **Volatile Substance:** any glue, cement, paint or other substance as described in KRS 217.900(1).

III. **Covered Workers**

Any individual who conducts business for the County, is applying for a position or is conducting business on the County's property is covered by our drug-free workplace policy. This policy includes, but is not limited to supervisors, full-time employees, part-time employees, off-site employees, contractors and applicants.

IV. **Applicability**

The Drug and Alcohol Free Workplace Policy is intended to apply whenever anyone is representing or conducting business for the County. Therefore, this policy applies whenever conducting business or representing the County. This policy applies during all working hours, while on call or paid standby and while performing work on behalf of the County while on or off County property. Additionally, applicants for such county employment are subject to pre-employment drug testing. It also applies to all County employees with special provisions designated to those employees identified as holding Safety Sensitive positions. These positions are ones in which their performance requires an extra degree of care and diligence in the area of safety to the community.

Those positions identified as Safety Sensitive include, but not limited to:

- County Sheriff's Department Employees
- County Detention Center Employees
- Heavy Equipment Operators
- Personnel driving CDL regulated vehicles
- Mechanics who work on these regulated vehicles
- Any personnel operating County owned vehicles

The positions identified above as being "Safety Sensitive" include, but are not limited to, those regulated under 49 CFR 40. While this program includes those federally mandated employees, this Drug and Alcohol Free Workplace Policy is not intended to replace and shall be separate from any Drug and Alcohol Free Workplace Policy previously adopted and implemented by the County which may have included only federally regulated employees.

V. **Policy Requirements**

The Madison County Fiscal Court shall conduct substance abuse awareness training for all employees. This substance abuse awareness training shall consist of the following minimum requirements:

- a. Upon a conditional offer of employment from the Court, each applicant shall be provided a copy of and will be asked to read the Drug and Alcohol Free Workplace Policy. All current employees will also be asked to read and sign the Certification of Acknowledgement-Drug and Alcohol-Free Workplace Policies and Procedures Form (Appendix A)
- b. Initial training shall consist of at least 1-hour for all employees.
- c. Annual refresher training shall be conducted for all employees in substance abuse awareness and shall consist of no less than thirty (30) minutes.
- d. All alcohol and substance abuse awareness training shall include, at a minimum, information concerning:
 1. Alcohol and drug testing policy and procedures;
 2. The effects of alcohol and drug use on an individual's health, work and personal life;
 3. The disease of alcohol and drug addiction;
 4. Signs and symptoms of an alcohol and drug problem;
 5. The role of co-workers and supervisors in addressing alcohol and substance abuse; and
 6. Referrals to an employee assistance program.
- e. In addition to all of the above training, all supervisory personnel shall receive an additional thirty (30) minutes each year of alcohol and substance abuse education and awareness training. This additional supervisory training will be documented using, the Supervisory Training Certification Certificate. This additional supervisory training shall consist of at least the following:
 1. Recognizing the signs of alcohol and substance abuse in the workplace;
 2. How to document signs of employee alcohol or substance abuse;
 3. How to refer employees to an employee assistance program or other alcohol and substance abuse treatment program; and
 4. Legal and practical aspects of Reasonable Suspicion testing for the presence of drugs and alcohol.

Madison County's Drug and Alcohol Free Workplace Policy shall include controlled-access maintenance in the Office of the Human Resources Director, or business records including the names and position titles of all employees and supervisory personnel trained under the program as described above, and the names of all persons who presented alcohol and substance abuse awareness training, for review by the Office of Workers' Claims.

Should any portion of this policy dealing with the actual administration of the policy be amended, employees shall be provided with copies of any administrative change or modification and given an opportunity to ask questions and obtain answers regarding any administrative changes in this policy; however, change may not be made to the policy that would circumvent any requirements associated with **803 KAR 25:280**.

VI. **Drug and Alcohol Testing**

The County currently utilizes Baptist Health as its laboratory of choice for the collection of urine samples in the case of testing for controlled substances, and for the administration of breathalyzer tests for alcohol concentration. Baptist Health is also the County's third-party administrator of choice for the random selection category of testing. Employees are selected by Baptist Health using a statistically valid method of selection of specific employee codes. This random testing will be reasonably spaced over a twelve (12) month period. Because of the random nature of the selection process, any employee may be tested more than once, or not at all. Once collected, all urine samples are forwarded for analysis to MEDTOX which is a laboratory approved by the National Laboratory Certification Program (NLCP) under the United States Department of Health and Mental Services Substance Abuse and Mental Health Services Administration (SAMHSA).

The County shall administer alcohol and drug tests in circumstances which include but may not be limited to the following:

Pre-Employment Testing

Breath alcohol and urine drug testing shall be required of all new hire applicants after their receipt of a conditional offer of employment. After receiving the conditional offer of employment, applicants will have twenty-four (24) hours in which to submit to testing at a testing facility of the County's choosing. The County requires that every newly hired employee test free of controlled substances and have a breath alcohol concentration of not more than 0.00. Each offer of employment by the County shall be conditional upon the passing of controlled substance and alcohol tests.

Refusal by any applicant for employment with the County to take the controlled substance test will result in the conditional offer of employment being withdrawn. All testing under this policy will be in accordance with testing protocols described elsewhere in this policy.

- a) An applicant with a confirmed positive test for controlled substances and/or breath alcohol in a concentration of 0.00 or greater which is not legitimately explained to and accepted by a Medical Review Officer, will not be considered for

- employment.
- b) Any applicant who fails a controlled substance or breath alcohol test may not be considered for future employment with the County.
 - c) Any applicant who refuses to take a controlled substance or breath alcohol test will be disqualified from future consideration for employment.
 - d) Any applicant who tampers with, or attempts to tamper with, a urine specimen in any manner shall be disqualified from current and future consideration of employment with the County.
 - e) An applicant whose positive test is confirmed and upheld by the Medical Review Officer (MRO) may request that the same sample be retested at her/his own expense at a County approved laboratory.

Individuals undergoing pre-employment testing shall not begin official employment with the County until after all test results are received and shown to be negative. Upon receipt of the test result, positive or negative, the County Judge Executive or his/her designee shall inform the appropriate department head of the results.

Random Testing

Employees in a Safety Sensitive position will be required to participate in a statistically valid, unannounced random selection process, which will subject them to mandatory drug and/or alcohol testing. This category of testing will conduct random tests for alcohol at a rate of no more than ten percent (10%) for non-federally regulated Safety Sensitive positions.

Employees holding positions in which a Commercial Driver License (CDL) is required, must also be tested at a minimum rate of ten percent (10%) for alcohol annually to satisfy Department of Transportation (DOT) requirements. In the case of random testing for drug use, non-federally regulated Safety Sensitive positions will be tested at a rate of no more than ten percent (10%). Employees holding positions in which a CDL is required, must be tested for drugs at a rate fifty percent (50%) annually to satisfy DOT requirements. All employees in federally regulated Safety Sensitive positions shall be selected from a pool that is separate from the random selection pool for other non-federally regulated Safety Sensitive positions.

The County Judge Executive shall utilize a third party to conduct the random selection of Safety Sensitive employees, including employees holding a CDL, to be tested. This random testing shall be unannounced and will take place throughout each calendar year. Safety Sensitive employees are selected by a third party administrator using a statistically valid, random method of selection using specific employee codes. Because of the random nature of this testing process, Safety Sensitive employees may be

selected for testing more than once or not at all. Once an employee is notified that he/she has been selected for testing, the employee must proceed immediately to the testing site of the County's choosing.

Employees in Non-Safety Sensitive positions will not be included in the random selection pool. However, Non-Safety Sensitive employees will be subject to testing for other reasons. Procedures and protocols for "Reasonable Suspicion," "Post Accident," "Return-to-Duty," and "Follow-up" testing, all of which testing types, are described elsewhere in this policy will apply in their case.

Reasonable Suspicion Testing

A reasonable suspicion test shall be based on a belief that an employee is using or has used drugs or alcohol in violation of this policy, drawn from specific objective facts and reasonable inferences drawn from those facts in light of experience, training or education. The reasonable suspicion testing shall be based upon:

- a. While at work, direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol;
- b. While at work, abnormal conduct, erratic behavior, or a significant deterioration in work performance;
- c. A report of drug or alcohol use provided by a reliable and credible source;
- d. Evidence that an individual has tampered with a drug or alcohol test during employment with the County;
- e. Information that an employee has caused, contributed to, or been involved in an accident while at work;
- f. Evidence that an employee has used, possessed, sold, solicited, or transferred illegal or illicit drugs or used alcohol while on the County's premises or while operating the County's vehicle, machinery or equipment.

The County Judge Executive or his/her designee shall be notified immediately of any indication of reasonable suspicion. Both the observing department supervisor and the County Judge Executive or his/her representative will review the policies and procedures herein and if necessary make arrangements with a testing facility of the County's choosing to conduct reasonable suspicion drug and/or alcohol testing as soon as possible. If a representative from the Office of the County Judge Executive is not available, the observing supervisor shall obtain the assistance of another County supervisor or other credible and reliable source and together they shall complete the **Reasonable Suspicion Form**, and forward it to the County Judge Executive. If after completing the form, it is determined that there is in fact, reasonable suspicion that the employee is under the influence of drugs and/or alcohol, the observing supervisor or his/her designee will notify the employee and accompany him/her to the testing site.

When a reasonable suspicion test is ordered, the employee must submit to testing within 45 minutes of being notified that he/she will be tested. The observing supervisor and/or designee shall remain at the testing site with the employee being tested, until the collection process is completed. Any employee who is tested for reasonable suspicion shall be placed on leave with pay until the results of the test are known. After submitting to the drug/alcohol test, the employee may not return to work until the results of the test are known and only then if the results are negative. Only the County Judge Executive or his/her authorized designee may order a reasonable suspicion test.

Post-Accident Testing

Drug and alcohol testing will be conducted following an employee's involvement in an accident in which property damage occurs, on or off the County's premises while on duty, or in the course of employment for the County, or which requires off-site medical attention be administered to a person.

Qualifying Event Exception: Due to varying types of accident cause, all accidents categorized as a "qualifying event" may not require post-accident testing. Exceptions to the "qualifying event" for requiring post-accident drug and alcohol testing will include, but may not be limited to the following types of accidents:

- a. Injuries whose onset is cumulative or gradual – such as carpal tunnel syndrome, progressive hearing loss, mental disorders, dermatitis, respiratory diseases, skin disorders, etc.
- b. Injuries where the employee can be completely discounted as the contributing factor (i.e. injuries caused by a third party or some other uncontrollable force or event such as weather, insects, toxic plants, etc.)
- c. Injuries where the employee can be completely discounted as the major contributing factor or those injuries occurring during physical fitness or a training event, in which the employee did everything within reason to avoid the injury accident, (i.e. was performing training as instructed).

In each case, the County Judge Executive or his/her designee shall determine the necessity of drug and alcohol testing and shall communicate such testing with the involved employee and the employee's respective department head. The County Judge Executive or his/her designee shall coordinate all required tests with the appropriate medical facilities.

An employee involved in an accident while on an out-of-town assignment, shall notify their department head or his/her designee as soon as possible but no later than two (2) hours after the accident occurred. The department head shall notify the County Judge Executive or her/his designee to discuss possible drug/alcohol testing requirements.

Other Qualifying Event: The department head or his/her designee shall request controlled substance/breath alcohol testing when an employee caused or cannot be completely discounted from causing a vehicular or any other type of accident in which death, serious bodily injury or major property damage did result or could have resulted. If a post-accident controlled substance/breath alcohol test is required, a confirmed positive test result will result in the employee's immediate termination.

Return-To-Duty Testing

The Madison County Fiscal Court maintains a "No Tolerance" policy for drugs and/or alcohol. "No Tolerance" means that once you are selected for a drug or alcohol test, should your test be positive, without a valid medical or bio-medical reason as confirmed by a Medical Review Officer, you will be immediately terminated from your employment with the County.

Only in circumstances in which the employee *voluntarily* elects to seek assistance for a substance abuse problem through the Employee Assistance Program prior to being selected for a test, completes whatever form of treatment a Substance Abuse Professional recommends and is willing to sign a Return to Work/Treatment Plan Agreement, will the County consider allowing the employee to return to work after treatment is successfully completed as confirmed by a Substance Abuse Professional.

In all cases, it shall be at the discretion of the County, subject to all applicable laws and regulations, as to whether to allow an employee to return to work. In the event that an employee who has voluntarily sought assistance, prior to being selected for a controlled substance or breath alcohol test is allowed to enter a controlled substance/alcohol abuse rehabilitation program, the employee may be allowed to return to work only under the following circumstances:

- a. The employee may resume regular duties only after the employee tests negative in an alcohol and/or controlled substance test administered by the County-approved laboratory and can provide a release to return to work from an appropriate substance abuse treatment facility or confirmation of continued and on-going participation in a County recognized substance abuse assistance program. An employee must test negative within a reasonable period of time from receipt of the initial test results not to exceed forty-five (45) days. Any repeat occurrence of substance abuse or violation of any other aspect of the County's Drug and Alcohol Free Workplace Policy will result in immediate termination.
- b. Prior to returning to work, the employee shall be required to meet with the County Judge Executive or his/her authorized designee to receive an explanation of the terms of continued employment; and to sign a written *Return-To-Work/Treatment Plan Agreement*, detailing the terms under which the employee will be allowed to

return to work. Such agreement shall stipulate that the employee, at the Court's request, may be required at any time, to submit to interviews and/or evaluation by the professional staff at an appropriate chemical dependency treatment facility approved by the County's Employee Assistance Program (EAP). The return-to-work agreement will also stipulate that the employee be required to submit to unannounced controlled substance and/or alcohol testing for up to twelve (12) months after resuming duties.

Follow-up Testing

Any employee returning to work from successful completion of an Employee Assistance Program for drug and/or alcohol related problems, or a drug and/or alcohol rehabilitation program, shall be required to undergo one (1) year of quarterly drug and alcohol testing. The frequency of the follow-up testing shall consider recommendations of any involved Substance Abuse Professional (SAP) but shall be not less than once per quarter (every three months) for at least one (1) year. All follow-up testing may be requested at any time and shall be unannounced.

Testing Protocol

The collection of samples and administration of drug and alcohol tests shall follow all standards, procedures and protocols set forth by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Administration (SAMHSA). Test results will be obtained by a qualified laboratory as defined elsewhere in this policy and results shall undergo a medical review as follows:

- a. All test results shall be submitted for medical review by a Medical Review Officer (MRO) of the County's choosing, who shall consider the medical history of the employee or applicant, as well as relevant biomedical information.
- b. If there is a positive test result, the employee or applicant will be given an opportunity to report to the MRO the use of any prescription or over-the-counter medication.
- c. If the MRO determines that there is a legitimate medical explanation for a positive test result, the MRO may certify that the test results do not indicate the unauthorized use of alcohol or a controlled substance.
- d. If the MRO determines, after appropriate review, that there is not a medical explanation for the positive test result other than the unauthorized use of alcohol or a prohibited drug, the MRO shall refer the individual tested to the County Judge Executive or his/her authorized representative for further proceedings in accordance with the County's Drug Free Workplace Policy.

MRO determinations concerning the use of alcohol or a controlled or illicit substance shall comply with all procedures outlined in the U. S. Department of Health and Human Services (SAMHSA) "Medical Review Officer Manual for Federal Drug Testing Programs".

Testing Process

Employees shall report to the collection site of the County's choosing immediately after being provided the notification to test. In the case of reasonable suspicion testing, a supervisor or designee shall escort the employee to the collection site. Drug testing will be conducted by urine sample while alcohol testing will be analyzed using a breath alcohol testing/screening device. Drug and alcohol analysis will be performed by a trained technician.

To ensure that the test specimen is actually that of the donor, collection site staff will require positive identification of the test subject. To ensure the accuracy and fairness of our testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody. All drug-testing information will be maintained in separate confidential records.

Alcohol

The Madison County Fiscal Court shall require all tests for alcohol to be performed by a Certified Breath Alcohol Technician (BAT).

Drugs

An eleven (11) panel urine test will be conducted and shall include analysis for the following substances:

- a. Amphetamines;
- b. Cannabinoids (THC);
- c. Cocaine;
- d. Opiates;
- e. Phencyclidine (PCP);
- f. Benzodiazepines;
- g. Propoxyphene;
- h. Methaqualone;
- i. Methadone;
- j. Barbiturates;
- k. Synthetic Narcotics

Each employee, as a condition of employment, will be required to participate in pre-employment, random, post-accident, reasonable suspicion, return-to-duty and follow-up testing upon selection or request of management.

Any employee who tests positive will be immediately removed from duty, referred to a substance abuse professional for assessment and recommendations, required to pass a Return-to-Duty test and sign a Return-to-Work Agreement, subject to ongoing, unannounced, follow-up testing for a period of five years and terminated immediately if he/she tests positive a second time or violates the Return-to-Work Agreement.

An employee will be subject to the immediate termination of employment if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, fails or declines to take a second drug test when directed, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

Prohibited Behavior

It is a violation of the Drug and Alcohol Free Workplace Policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor) to avoid unsafe workplace practices.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of the County's Drug and Alcohol Free Workplace Policy to intentionally misuse and/or abuse prescription medications.

Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur. The Madison County Fiscal Court reserves the right to define and interpret prohibited activities that specifically include, but may not be limited to:

Alcohol

Prohibited conduct involving the use of alcohol includes the following:

The performance of or being immediately available to perform work duties while having an alcohol concentration greater than 0.00.

- a. The consumption of alcohol or products containing alcohol during the performance of or being immediately available to perform work responsibilities.
- b. In the case of Safety Sensitive employees, containing alcohol during the performance of or being immediately able to perform Safety Sensitive work responsibilities. This includes the possession of medicines containing alcohol (prescription or over-the-counter) unless the seal

is unbroken and/or the medication is prescribed by a licensed physician, and said physician has confirmed the necessity of the Safety Sensitive employees' said possession of the prescribed substance containing alcohol and has confirmed that the use of such substance will not deter from the employees ability to safely perform assigned Safety Sensitive responsibilities. In the latter case, a **Prescription Drug Notification Form** must be on file with the County Judge Executive.

- c. The performance of, or being immediately available to perform those responsibilities designated as Safety Sensitive, within four hours after using alcohol.
- d. The transportation and/or possession of alcoholic beverages (open or closed containers) within County owned vehicles or equipment. *Note: Law enforcement personnel functioning within the scope of their assigned duties shall be considered exempt from this prohibition as deemed necessary by their respective department head(s).*
- e. The use of alcohol for eight hours immediately following an accident requiring a post-accident alcohol test or until a post-accident test is administered, whichever occurs first.
- f. Refusal to submit or cooperate with any of the required testing types.
- g. The operation of a County owned vehicle following consumption of alcoholic beverages shall be considered a violation of this policy and shall result in disciplinary action.

Employees attending training programs and/or conferences related to their employment with the County may participate in social functions associated with the program or conference. If alcoholic beverages are present at the social function and the employee chooses to engage in consumption of said beverage(s), they shall do so at their own discretion. Employees who choose to engage in the consumption of alcoholic beverages as part of a work related social function shall do so in a responsible manner, maintaining a conduct that would not reflect adversely upon the County. Any unbecoming conduct by an employee who has chosen to consume alcohol at such conference or training program that has an adverse effect upon the County will be subject to disciplinary action up to and including termination of employment.

Alcohol includes any intoxicating agent in beverage alcohol, methyl, and isopropyl alcohol whether used for medicinal purposes or not. Many over-the-counter and prescription medications contain high percentages of alcohol.

Notification of Convictions

Employees are hereby notified that they shall inform the County Judge Executive or his/her authorized designee, of any criminal charge or conviction within five (5) days of said charge or conviction. The County Judge Executive shall take appropriate action within thirty (30) days.

Drugs or Controlled Substances

Prohibited conduct involving the use of drugs or controlled substances includes, but may not be limited to, the following:

- a. Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. However, any Safety Sensitive employee taking prescribed or over-the-counter medications will, in all cases, be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his/her Safety Sensitive job duties. Prior to initiating usage after such medications are prescribed, the Safety Sensitive employee shall submit a *Prescription Drug Notification Form* to their immediate supervisor who shall in turn, submit it to the County Judge Executive or his/her designee as soon as possible.

After receiving such form, the County Judge Executive or his/her authorized designee may request written medical authorization showing the Safety Sensitive employee may possess/use such medication, that it was used in the prescribed manner and showing the Safety Sensitive employee is fit to safely perform Safety Sensitive assigned duties. If the use of such medication could compromise the safety of the Safety Sensitive employee, fellow employees, or the public at large, it is the Safety Sensitive employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty and notify his/her supervisor) to avoid unsafe workplace practices. No prescription drugs shall be brought onto or consumed on County property by anyone other than the individual for whom the drugs have been prescribed by a licensed medical practitioner. The illegal or unauthorized use of prescription drugs is strictly prohibited. It is a violation of the County's Drug and Alcohol Free Workplace Policy to intentionally misuse and/or abuse prescription medications.

Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur as the result of the intentional misuse and/or abuse of prescription medication.

The County reserves the right to have a designated physician of its choosing to determine if a prescription drug or medication produces effects that would be considered unacceptable in the performance of assigned Safety Sensitive work duties. The designated physician has final determination on whether the medication will have or is having an unacceptable effect on the Safety Sensitive employee's performance of duties. In such instances of temporary impediment to safe performance of regular Safety Sensitive duties, the Safety Sensitive employee may be temporarily reassigned to duties requiring a lesser safety awareness level if such duties are available. All doctors' statements and related medical information shall be confidential and maintained in a separate medical file in the office of the County Human Resources Director.

- b. Testing positive for any of the prohibited substances during the performance of or upon being immediately available to perform work responsibilities.
- c. The performance of or being immediately available to perform Safety Sensitive work responsibilities while using any controlled substance, except when the use is under the

- instructions of a physician who has advised that the use will not adversely affect the Safety Sensitive user's ability to safely perform Safety Sensitive responsibilities as assigned.
- d. In the case of Safety Sensitive employees, having in possession, drugs or controlled substances except when the use is under the instructions of a physician who has advised that the use will not adversely affect the Safety Sensitive user's ability to safely perform Safety Sensitive responsibilities as assigned during the performance of or being immediately available to perform Safety Sensitive work responsibilities. EMS and Law Enforcement personnel functioning within the scope of their assigned duties shall be considered exempt from this prohibition as deemed necessary by their respective department heads.
 - e. Refusal (as defined elsewhere in this policy) to cooperate with any of the requested testing types.
 - f. Tampering with or attempting to alter, or actual altering of a test specimen is strictly prohibited and is grounds for immediate termination from employment with the County.

Volatile Substances

The intentional misuse, manufacture, sale, distribution, dispensation, or possession of a volatile substance as defined in KRS 217.900 which includes any glue, cement, paint or other substance containing a solvent or chemical having the property of releasing toxic vapors or fumes which when intentionally inhaled may cause a condition of intoxication, inebriation, stupefaction, dulling of the brain or nervous system, or distortion or disturbance of auditory, visual, or mental processes while at work, while on County property, or while conducting County business while off County property, is strictly prohibited and is considered cause for immediate discipline, up to and including termination.

Consequences

One of the goals of the Drug and Alcohol Free Workplace Policy is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

In the case of applicants, if he or she violates the Drug and Alcohol Free Workplace Policy, the offer of employment can be withdrawn. The applicant may reapply after six months and must successfully pass a pre-employment drug test.

If an employee violates the policy, he or she will be subject to progressive disciplinary action up to immediate termination of employment and may be required to enter rehabilitation. An employee required to enter rehabilitation that fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

Return-to-Work Agreements

Following a violation of the Drug and Alcohol Free Workplace Policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a *Return-to-Work Agreement* as a condition of continued employment.

Assistance

Alcohol and drug abuse addictions are recognized as diseases responsive to proper treatment. The County provides a level of care through its Employee Assistance Program (EAP) provided. It also realizes that early intervention and support improve the success of rehabilitation. To support the employees, the County's Drug and Alcohol Free Workplace Policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem; and
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

Employees who voluntarily report a substance abuse problem *prior* to being required to take a controlled substance or alcohol test as defined in this policy, will not be subject to disciplinary action if they voluntarily and conscientiously seek substance abuse assistance and agree to a treatment plan. However, such an employee must understand that if the problem is not corrected and satisfactory job performance is not maintained, he or she will be subject to disciplinary action up to and including termination of employment. Failure to seek such assistance, or failure to abide by the terms of the treatment plan, shall be grounds for termination. Upon voluntarily reporting a substance abuse problem, the employee will be required to sign a *Substance Abuse Treatment Plan Return-to-Work Agreement Form* that will further define conditions of continued employment.

Confidentiality

All information received by the County through the Drug and Alcohol Free Workplace Policy is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

The County shall maintain records and documents of all alcohol and drug test results, schedules for follow-up tests and records relating to evaluation and referrals. These records shall be maintained for a period of at least five (5) years. The County shall provide test result information or other pertinent information relating to an applicant or existing employee's alcohol or controlled substance tests upon the applicant or existing employee's written request, and shall do so within five (5) working days of being notified of the request.

Policy Administration and Enforcement

It shall be the responsibility of the County Judge Executive and/or the County Human Resources Director to administer and enforce this policy. This policy and its programs are not to be interpreted or modified by any other County supervisor or director.

Responsibility

While it is ultimately the County's legal, ethical, and moral responsibility to create and maintain a safe and productive drug-free workplace for its employees, and the citizens of Madison County, such safety is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment; and
- Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- Inform employees of the drug-free workplace policy;
- Observe employee performance;
- Investigate reports of dangerous practices;
- Document negative changes and problems in performance;
- Counsel employees as to expected performance improvement; and
- Clearly state consequences of policy violations.

Communication

Communicating the Drug and Alcohol Free Workplace Policy to both supervisors and employees is critical to its success. To ensure all employees are aware of their role in supporting the County's drug-free workplace program, the County shall:

- Provide all employees will receive a written copy of the policy;
- Review the policy in orientation sessions with new employees;
- Review the policy and assistance programs at safety meetings; and
- Training supervisors to help him/her recognize and manage employees with alcohol and other drug problems.

The Madison County Fiscal Court may change, modify, amend or rescind any part of this policy at any time that deals with the actual administration of the policy itself; however, changes may not be made to the policy that would circumvent any requirements associated with 803 KAR 25:280.

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E-MAIL AND INTERNET USER AGREEMENT

I have received a copy of Madison County Fiscal Court's Administrative Code outlining policies for e-mail/internet acceptable use (Chapter 8). I recognize that the County's e-mail/internet is to be used for conducting the County's business only. I understand that use of this equipment for private purposes is strictly prohibited.

As part of Madison County and a user of Madison County's gateway to the internet and e-mail system, I understand that this e-mail/internet County guideline applies to me.

I understand that it is my obligation to read the aforementioned document and agree to follow all policies and procedures that are set forth therein. I further agree to abide by the standards set in the document for the duration of my employment with Madison County Fiscal Court. Should I have any questions related to the Madison County Administrative Code, it is my obligation to seek assistance from my supervisor, department head, or Human Resources Director.

I am aware that violations of this County guideline on acceptable e-mail/internet use may subject me to disciplinary action, up to and including dismissal from employment.

I further understand that my communications on the internet and e-mail reflect on Madison County Fiscal Court. Furthermore, I understand that this policy can be amended at any time or that I may receive further direction from my superiors related to proper e-mail/internet usage.

Employee Signature

Date

Employee Printed Name

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ADMINISTRATIVE CODE EMPLOYEE AGREEMENT

I have received a copy of Madison County Fiscal Court's Administrative Code, Ordinance #16-10, dated June 28, 2016.

I understand that it is my obligation to read the Madison County Administrative Code and agree to follow all policies and procedures that are set forth therein. I agree to abide by the standards outlined in the document for the duration of my employment with Madison County Fiscal Court. I understand that this Administrative Code, and my signature below, does not constitute an employment contract and that the County is an at-will employer. Should I have any questions related to the Madison County Administrative Code, it is my obligation to seek assistance from my supervisor, department head, or Human Resources Director.

Furthermore, I understand that this Ordinance may be amended at any time.

Employee Signature

Date

Employee Printed Name

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ADENDUM 1: DRUG AND ALCOHOL FREE WORKPLACE POLICY AGREEMENT

I have received a copy of Madison County Fiscal Court's Drug and Alcohol Free Workplace Policy Agreement.

I understand that it is my obligation to read the Drug and Alcohol Free Workplace Policy and agree to follow all policies and procedures that are set forth therein. I agree to abide by the standards outlined in the document for the duration of my employment with Madison County Fiscal Court. I understand that this Drug and Alcohol Free Workplace Policy, and my signature below, does not constitute an employment contract and that the County is an at-will employer. Should I have any questions related to the Drug and Alcohol Free Workplace Policy, it is my obligation to seek assistance from my supervisor, department head, or Human Resources Director.

Furthermore, I understand that this policy may be amended at any time.

Employee Signature

Date

Employee Printed Name